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Transcript of Gabriel Fineman

Date: August 2, 2018

Case: District of Columbia -v- Equity Residential Management, L.L.C., et al.

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IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CIVIL DIVISION

-----X
DISTRICT OF COLUMBIA, :
Plaintiff, :
v. : Civil Action No.
EQUITY RESIDENTIAL : 2017 CA 08334 B
MANAGEMENT, L.L.C., et al., :
Defendants. :
-----X

Videotaped Deposition of
GABRIEL FINEMAN
Washington, D.C.
Thursday, August 2, 2018
9:08 a.m.

Job No.: 195730
Pages: 1 - 157
Reported by: Marney Alena Mederos, RPR, CRR

1 Videotaped Deposition of GABRIEL FINEMAN,
2 held at the law offices of:

3
4 BAKERHOSTETLER, LLP
5 Washington Square
6 1050 Connecticut Avenue, N.W.
7 Suite 1100
8 Washington, D.C. 20036
9 (202) 861-1500
10
11
12

13 Pursuant to subpoena, before Marney Alena
14 Mederos, Registered Professional Reporter,
15 Certified Realtime Reporter, and Notary Public
16 in and for the District of Columbia.
17
18
19
20
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22

1 A P P E A R A N C E S

2 ON BEHALF OF THE PLAINTIFF:

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20 (202) 861-1500

21

22

1 A P P E A R A N C E S C O N T I N U E D

2

3 ALSO PRESENT:

4 SUSIE LEE, VIDEOGRAPHER

5 JIM FIFFER

6

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(Attached to transcript)

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1 E X H I B I T S C O N T I N U E D

2 (Attached to transcript)

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4 Exhibit 8 Residential Lease - Term 109

5 Sheet

6 Exhibit 9 Tenant Petition/Complaint 119

7 Exhibit 10 Complaint for Injunctive and 122

8 Other Relief

9 Exhibit 11 First Amended Complaint for 123

10 Injunctive and Other Relief

11

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Transcript of Gabriel Fineman
Conducted on August 2, 2018

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1	P R O C E E D I N G S	
2	THE VIDEOGRAPHER: Here begins Disc	09:08:54
3	Number 1 in the videotaped deposition of Gabriel	09:08:55
4	Fineman in the matter of District of Columbia vs.	09:08:59
5	Equity Residential Management, L.L.C., et al., in	09:09:01
6	the Superior Court of the District of Columbia,	09:09:06
7	Case Number 2017 CA 008334 B.	09:09:09
8	Today's date is August 2nd, 2018. The	09:09:17
9	time on the video monitor is 9:09:23. The	09:09:21
10	videographer today is Susie Lee representing	09:09:27
11	Planet Depos. This video deposition is taking	09:09:30
12	place at 1050 Connecticut Avenue, Northwest,	09:09:32
13	Washington, D.C. 20036.	09:09:37
14	Would counsel please voice identify	09:09:40
15	themselves and state whom they represent.	09:09:42
16	MS. BUSEN: Carey Busen from	09:09:46
17	BakerHostetler on behalf of Defendants Equity	09:09:48
18	Residential Management, L.L.C., and Smith	09:09:50
19	Properties Holdings Van Ness, L.P.	09:09:52
20	MS. MILLS: I'm Sondra Mills. I'm,	09:09:55
21	excuse me, an Assistant Attorney General with the	09:09:56
22	Office of Attorney General for the District of	09:10:00

1	Columbia.	09:10:02
2	MR. TAN: And I'm Gary Tan, Assistant	09:10:04
3	Attorney General, Office of the Attorney General	09:10:07
4	for the District of Columbia.	09:10:09
5	THE VIDEOGRAPHER: The court reporter	09:10:11
6	today is Marney Mederos representing Planet Depos.	09:10:12
7	Would the reporter please swear in the	09:10:15
8	witness.	09:10:18
9	THE REPORTER: Raise your right hand,	09:10:18
10	please.	09:10:18
11	Whereupon,	09:10:18
12	GABRIEL FINEMAN	09:10:18
13	being first duly sworn or affirmed to testify to	09:10:24
14	the truth, the whole truth, and nothing but the	09:10:24
15	truth, was examined and testified as follows:	09:10:24
16	EXAMINATION BY COUNSEL FOR DEFENDANTS	09:10:26
17	BY MS. BUSEN:	09:10:26
18	Q All right. Good morning, Mr. Fineman.	09:10:27
19	Before we start, I just want the record	09:10:29
20	to reflect that you are recording this deposition	09:10:30
21	on your phone, right?	09:10:32
22	A That is correct.	09:10:34

Transcript of Gabriel Fineman
Conducted on August 2, 2018

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1	Q	And I would ask that when we go off the	09:10:34
2		record that you and your phone leave the room.	09:10:37
3		Is that okay?	09:10:41
4	A	It's up to you.	09:10:42
5	Q	Okay. Could you please state your full	09:10:43
6		name and address for the record?	09:10:47
7	A	My name is Gabriel Fineman. My address	09:10:49
8		is 4450 South Park Avenue, Apartment 810,	09:10:52
9		Chevy Chase, Maryland.	09:11:00
10	Q	And, sir, have you ever been deposed	09:11:02
11		before?	09:11:04
12	A	Not to my recollection, no.	09:11:07
13	Q	Okay. Just a couple of ground rules.	09:11:08
14		I'm going to ask you some questions; you will	09:11:12
15		answer them to the best of your ability. You need	09:11:14
16		to give a verbal response so that it's easy for	09:11:17
17		the court reporter to understand whether or not	09:11:19
18		you're saying yes or no. If you don't understand	09:11:21
19		my question, please ask me to clarify or rephrase.	09:11:24
20		If you answer the question, I'll assume that you	09:11:28
21		understood the question.	09:11:31
22		Is that fair?	09:11:33

1	A	I understand what you said, yes.	09:11:34
2	Q	Okay. And this is not a test of will.	09:11:36
3		So if you need a break at any point in time, just	09:11:39
4		ask.	09:11:43
5	A	Thank you.	09:11:43
6	Q	Is there any reason why you cannot	09:11:43
7		testify truthfully today?	09:11:45
8	A	No.	09:11:47
9		MS. BUSEN: Could you please mark this	09:11:59
10		as Exhibit 1?	09:12:01
11		(Defendants' Exhibit 1 was marked for	09:12:02
12		identification and is attached to the transcript.)	09:12:02
13		BY MS. BUSEN:	09:12:02
14	Q	Mr. Fineman, the court reporter has	09:12:03
15		handed you the Affidavit of Service and Subpoena	09:12:06
16		that was served on you on June 21st, 2018.	09:12:11
17		Are you testifying today pursuant to	09:12:16
18		this subpoena?	09:12:18
19	A	I am testifying today pursuant to your	09:12:19
20		subpoena, yes.	09:12:23
21	Q	Mr. Fineman, did you meet with anyone	09:12:26
22		to prepare for your deposition today?	09:12:28

1 A No, I did not meet with anyone to 09:12:30
2 prepare for this deposition. 09:12:32

3 Q Have you had any discussions with 09:12:34
4 anyone from the District of Columbia about this 09:12:35
5 deposition? 09:12:38

6 A I have had no discussions with anyone 09:12:40
7 from the District of Columbia about this 09:12:41
8 deposition. 09:12:43

9 Q Okay. And so you've had no discussions 09:12:44
10 with anyone from the Office of the Attorney 09:12:46
11 General about today's deposition? 09:12:47

12 A Correct, I have had no discussions with 09:12:51
13 anyone from the Attorney General's Office about 09:12:53
14 this deposition. 09:12:56

15 Q Let's talk about your education 09:12:58
16 briefly. Did you go to college? 09:13:00

17 A Yes, I did. 09:13:02

18 Q And did you graduate? 09:13:03

19 A Yes, I did. 09:13:04

20 Q And from which college did you 09:13:05
21 graduate? 09:13:07

22 A Temple University. 09:13:08

1 Q Okay. And did you attend any graduate
2 school? 09:13:09 09:13:12

3 A I've taken some graduate courses, and I 09:13:14
4 went to Temple University and received an LL.D. in 09:13:19
5 law. 09:13:24

6 Q Okay. Do you have any other degrees 09:13:25
7 besides the LL.D. and your undergrad degree? 09:13:27

8 A No. 09:13:30

9 Q And when did you receive your LL.D.? 09:13:31

10 A I don't -- I don't recall, but it was 09:13:35
11 approximately ten year -- I think it was in -- in 09:13:37
12 1971 or '72. 09:13:41

13 Q Mr. Fineman, are you currently 09:13:47
14 employed? 09:13:48

15 A No. 09:13:49

16 Q Are you retired? 09:13:50

17 A I am retired. 09:13:51

18 Q And we don't need to go through your 09:13:53
19 entire employment history, but prior to 09:13:57
20 retirement, what did you do for your job? 09:13:59

21 A I worked for Advanced Solutions 09:14:01
22 International, which is a company that produces 09:14:03

1 software for associations and charities. 09:14:07

2 Q And what did you do for them? 09:14:12

3 A I did a number of things for them, 09:14:14

4 including most recently being General Counsel. 09:14:16

5 Q And how long were you General Counsel, 09:14:24

6 approximately? 09:14:27

7 A Maybe 16 years. 09:14:28

8 Q And when did you retire, roughly? 09:14:30

9 A I retired five years ago. 09:14:32

10 Q All right. So when you stated your 09:14:38

11 address, you're currently residing in Chevy Chase, 09:14:40

12 correct? 09:14:43

13 A That is correct. 09:14:43

14 Q Okay. And are you in an apartment that 09:14:44

15 you rent, or did you purchase a home? 09:14:47

16 A I'm in Apartment Number 810. 09:14:51

17 Q So you rent that apartment? 09:14:54

18 A That's correct. 09:14:56

19 Q And where did you reside prior to 09:14:58

20 Apartment 810 in Chevy Chase? 09:15:02

21 A I resided at 3003 Van Ness in 09:15:04

22 Washington, D.C. 09:15:11

Transcript of Gabriel Fineman
Conducted on August 2, 2018

14

1	Q	At some point in between Van Ness and	09:15:15
2		Chevy Chase, did you reside in Florida?	09:15:17
3	A	No. I -- I was in Florida for part of	09:15:20
4		the winter, but I did not reside there.	09:15:23
5	Q	Okay. And when did you move into	09:15:25
6		Apartment 810 in Chevy Chase?	09:15:30
7	A	In December of -- this is '18, so '16	09:15:36
8		when I left Van Ness.	09:15:45
9	Q	And you were at Van Ness from	09:15:47
10		December 2014 to December 2016; is that right?	09:15:49
11	A	Yes. The December -- I'm sorry, say	09:15:56
12		that again.	09:15:59
13	Q	You resided at 3003 Van Ness from	09:16:01
14		December 2014 through 2016?	09:16:04
15	A	I think it was 2013, December of 2013.	09:16:07
16	Q	And prior to moving into 3003 Van Ness,	09:16:15
17		where did you reside?	09:16:21
18	A	I resided at 3195 Porter Street,	09:16:23
19		P-O-R-T-E-R, in Washington, D.C.	09:16:27
20	Q	And is that a single-family home?	09:16:33
21	A	It's a single-family detached house,	09:16:37
22		yes.	09:16:41

1	Q	And did you own 3195 Porter Street?	09:16:41
2	A	I did.	09:16:46
3	Q	And how long, roughly, did you reside	09:16:48
4		there?	09:16:50
5	A	25 years.	09:16:50
6	Q	Is your current apartment in Chevy	09:17:02
7		Chase rent-controlled?	09:17:05
8	A	No. They do not have rent control in	09:17:08
9		the state of Maryland -- in -- in that part of the	09:17:11
10		state of Maryland.	09:17:14
11	Q	So I understood your testimony that you	09:17:32
12		haven't spoken with anyone at the OAG's office	09:17:33
13		about this deposition, but prior to this time,	09:17:38
14		have you had communications with representatives	09:17:40
15		from the D.C. OAG about the allegations in this	09:17:43
16		case?	09:17:47
17	A	Yes, I have.	09:17:48
18	Q	And with whom did you speak?	09:17:51
19	A	I think I spoke with Mr. Tan, and I	09:17:54
20		spoke with Mr. Rock.	09:17:58
21	Q	And when did you speak with Mr. Tan?	09:18:01
22	A	I -- I don't recall the -- the exact	09:18:06

1 date, but it was many months ago. 09:18:09

2 Q Okay. In 2018, or do you think it goes 09:18:12

3 back to 2017? 09:18:15

4 A It was probably 2017, but I really 09:18:17

5 don't know the dates. 09:18:20

6 Q And do you recall how many times you 09:18:22

7 spoke with Mr. Tan? 09:18:24

8 A Once. 09:18:26

9 Q And where did you speak with Mr. Tan? 09:18:28

10 A In the Attorney General offices. 09:18:32

11 Q Approximately how long did you speak 09:18:41

12 with him? 09:18:42

13 A Maybe an hour. 09:18:44

14 Q Why did you speak to Mr. Tan? 09:18:50

15 A They wanted to talk to me about this 09:18:52

16 case. 09:18:55

17 Q "They" being the Office of the Attorney 09:18:55

18 General? 09:18:57

19 A Correct. 09:18:59

20 Q So the OAG initiated the contact for 09:19:02

21 the meeting? 09:19:05

22 A For that meeting, yes. 09:19:06

1 Q And do you know how Mr. Tan came to 09:19:12
2 have your information to reach out to you? 09:19:15

3 A I presume it was because I was one of 09:19:20
4 the people that complained to Mr. Rock about the 09:19:22
5 bait-and-switch scheme perpet- -- perpetrated by 09:19:26
6 Equity and other large out-of-town REITs and 09:19:35
7 landlords in the District of Columbia. 09:19:39

8 Q And you said you also spoke with 09:19:43
9 Mr. Rock, right? 09:19:45

10 A Correct. 09:19:46

11 Q And do you remember approximately when 09:19:47
12 that time was? 09:19:49

13 A It was at least a year earlier. 09:19:52

14 Q A year earlier than your meeting with 09:19:55
15 Mr. Tan? 09:19:58

16 A Correct. 09:19:58

17 Q And where did you meet with Mr. Rock? 09:20:03

18 A I met with Mr. Rock at an apartment at 09:20:04
19 3003 Van Ness. 09:20:10

20 Q Was it your apartment? 09:20:15

21 A No. 09:20:16

22 Q Whose apartment was it? 09:20:16

1	A	It was the apartment of the president	09:20:17
2		of the Tenants Association.	09:20:19
3	Q	Would that be Mr. Gural?	09:20:22
4	A	Yes.	09:20:29
5	Q	Were there other tenants at that	09:20:30
6		meeting?	09:20:31
7	A	Yes, there were.	09:20:32
8	Q	And do you recall what other tenants	09:20:32
9		were there?	09:20:33
10	A	Not really. There were a lot of	09:20:37
11		tenants there.	09:20:39
12	Q	When you say "a lot," is that more than	09:20:40
13		ten?	09:20:41
14	A	Yes.	09:20:42
15	Q	More than 20?	09:20:42
16	A	I don't think it was more than 20.	09:20:45
17	Q	And I assume Mr. Gural was there, since	09:20:53
18		you were in his apartment?	09:20:56
19	A	Correct.	09:20:57
20	Q	And do you recall the names of anyone	09:20:58
21		else that may have been there?	09:21:00
22	A	Well, there were some of the members of	09:21:05

1 the Tenants Associ- -- Tenants Association board. 09:21:08

2 Q And do you know their names? 09:21:15

3 A Brian Lederer. I -- I can't remember 09:21:20

4 all the names. It's been a while. 09:21:29

5 Q Okay. Is Mr. Lederer on the board? 09:21:31

6 A He was on the board. I have no idea if 09:21:34

7 he still is. 09:21:37

8 Q And why were 10 to 20 residents 09:21:38

9 gathered in Mr. Gural's off- -- or apartment? 09:21:43

10 A To talk to Mr. Rock about the 09:21:47

11 bait-and-switch scheme that was being carried out 09:21:48

12 by Equity Financial -- Equity Residential. 09:21:53

13 Q And did Mr. Gural organize this 09:21:59

14 meeting? 09:22:04

15 A To the best of my knowledge, he did, 09:22:05

16 yes. 09:22:07

17 Q Okay. So did Mr. Gural reach out to 09:22:07

18 you and ask you to come, or did Mr. Rock ask you 09:22:10

19 to come? 09:22:14

20 A Mr. Gural asked me to come. 09:22:15

21 Q In your meeting with Mr. Rock, what was 09:22:20

22 discussed? 09:22:23

1 A People discussed their experiences in 09:22:26
2 renting apartments from Equity Financial -- Equity 09:22:31
3 Residential and also in renewing their leases with 09:22:36
4 Equity Residential. 09:22:40
5 Q And did all of the residents there have 09:22:44
6 something to say to Mr. Rock? 09:22:46
7 A Oh, yes. 09:22:48
8 Q And how long did this meeting last? 09:22:49
9 A Probably an hour and a half. 09:22:54
10 Q Is that the only time you met with 09:23:05
11 Mr. Rock? 09:23:06
12 A That is correct. Well, he -- he -- he 09:23:07
13 might have been at the deposit- -- at the -- when 09:23:11
14 I talked with Mr. Tan. 09:23:13
15 Q Okay. So you called it a deposition. 09:23:16
16 Was it recorded? 09:23:18
17 A I have no idea. I don't recall. 09:23:19
18 And -- and I don't think I was sworn in. I think 09:23:21
19 it was just a question of the discussion. 09:23:24
20 Q Okay. And Mr. Rock may have been there 09:23:26
21 when Mr. -- you met with Mr. Tan? 09:23:28
22 A Correct. 09:23:31

1	Q	Was there anyone else there?	09:23:31
2	A	I don't recall.	09:23:33
3	Q	Do you recall any other tenants being	09:23:35
4		there when you met with Mr. Tan?	09:23:36
5	A	There were not.	09:23:39
6	Q	When Mr. Rock --	09:23:42
7	A	And -- and I don't recall a court	09:23:43
8		reporter being there.	09:23:45
9	Q	When Mr. Rock came to 3003 Van Ness,	09:23:47
10		was there anyone else -- any other representative	09:23:52
11		from the District of Columbia there?	09:23:54
12	A	I don't recall another representative.	09:23:56
13	Q	And do you recall any sort of court	09:23:59
14		reporter?	09:24:01
15	A	No.	09:24:01
16	Q	When you met with Mr. Tan and Mr. Rock	09:24:03
17		was there, did you provide any documents to them?	09:24:07
18	A	I don't believe so, no.	09:24:13
19	Q	When you met with Mr. Rock at the	09:24:15
20		apartment in 3003 Van Ness, did you provide any	09:24:18
21		documents to him?	09:24:21
22	A	No, I did not.	09:24:22

1	Q	Have you had any e-mail correspondence	09:24:24
2		with anyone from the Office of the Attorney	09:24:26
3		General?	09:24:27
4	A	I don't recall any, no.	09:24:39
5	Q	Did you ever provide any documents to	09:24:42
6		the Office of the Attorney General via e-mail, or	09:24:45
7		fax, or mail?	09:24:49
8	A	I don't recall ever doing that, no.	09:24:50
9	Q	Okay. Has -- has anyone at the Office	09:24:52
10		of the Attorney General asked you to testify at	09:24:55
11		the trial of this matter?	09:24:58
12	A	No.	09:25:02
13	Q	Have you been in contact with anyone at	09:25:11
14		the Office of the Attorney General about providing	09:25:13
15		any investigation or information for them in	09:25:15
16		connection with this case?	09:25:18
17	A	No, I have not.	09:25:20
18	Q	Besides the meeting at 3003 Van Ness in	09:25:24
19		Mr. Gural's apartment, have you attended any other	09:25:28
20		meetings with anyone from the AG's office?	09:25:31
21	A	No, I have not.	09:25:35
22	Q	Do you have any future planned meetings	09:25:40

1	with anyone from the Office of the Attorney	09:25:44
2	General?	09:25:45
3	A At this time, I do not.	09:25:48
4	Q Besides the Office of the Attorney	09:26:00
5	General, have you had communications with any	09:26:01
6	other government entity about this case?	09:26:05
7	A Well, I testified in general several	09:26:14
8	times before the City Council Committee on	09:26:18
9	Community Affairs about rental housing in the	09:26:24
10	District of Columbia.	09:26:27
11	Q And do you recall when that testimony	09:26:30
12	was, approximately?	09:26:31
13	A Within the last two years.	09:26:36
14	Q And how many times --	09:26:37
15	A Twice.	09:26:39
16	Q -- did you testify?	09:26:39
17	A Twice.	09:26:40
18	Q And are there recordings of that	09:26:44
19	testimony?	09:26:46
20	A Yes. They're available on-line.	09:26:47
21	Q And where on-line?	09:26:48
22	A From the Government.	09:26:50

1	Q	Are they video or --	09:26:54
2	A	Video, yes.	09:26:56
3	Q	When you testified before the City	09:27:01
4		Council, on which topics did you speak?	09:27:02
5	A	Rental housing.	09:27:06
6	Q	And what about rental housing?	09:27:07
7	A	I testified about the -- how Equity, as	09:27:10
8		an example, was defrauding people in the city	09:27:19
9		using this bait and switch and, more importantly,	09:27:24
10		using concession leases as a method to avoid rent	09:27:29
11		control.	09:27:33
12	Q	And you said you testified twice.	09:27:39
13		Is that -- was that the subject of both	09:27:41
14		times you --	09:27:42
15	A	Well, the -- excuse me. The second	09:27:43
16		testimony was really about oversight of the -- of	09:27:45
17		the rental housing division, but -- I'm sorry,	09:27:52
18		oversight of, yeah, the Rental Housing Commission,	09:27:59
19		and this was a central area of my testimony.	09:28:04
20	Q	What do -- when you say oversight of	09:28:14
21		the Rental Housing Commission, what do you mean?	09:28:16
22		What --	09:28:18

1 A The City Council does oversight 09:28:19
2 hearings every year of each agency within the 09:28:22
3 government. 09:28:28
4 Q Okay. And what was the purpose of your 09:28:29
5 testimony in regards to that? 09:28:30
6 A My testimony was -- was to give them 09:28:33
7 insight as to my thoughts on the Rental Housing 09:28:38
8 Commission. 09:28:42
9 Q So you -- did you think the Rental 09:28:43
10 Housing Commission needed more oversight? 09:28:44
11 A Yes. 09:28:47
12 Q And in what ways? 09:28:49
13 A I think -- I told them that I thought 09:28:52
14 that they were not getting proper oversight by the 09:28:54
15 Mayor's office and not getting -- and the City 09:28:59
16 Council was going to have to step in to provide 09:29:04
17 some oversight. 09:29:07
18 Q And what was the Rental Housing 09:29:08
19 Commission doing that you thought they needed 09:29:09
20 additional oversight? 09:29:12
21 A Well, in 2006, the City Council 09:29:13
22 substantially changed the Rental Housing Act in 09:29:19

1 regard to rent ceilings by abolishing rent 09:29:23
2 ceilings, and the Rental Housing Commission for 09:29:30
3 13 years has never issued implementing regulations 09:29:34
4 or changed their old regulations, and this created 09:29:38
5 the crisis that we currently have. 09:29:41

6 Q So are you advocating for a change to 09:29:48
7 the regulations? 09:29:51

8 A I'm not out advocating in the sense of 09:29:58
9 actively seeking reform. I mean, I stated my 09:30:02
10 opinion before the committee -- 09:30:06

11 Q And -- 09:30:08

12 A -- and I -- I have asked people from 09:30:09
13 the Rental Housing Commission who were engaged in 09:30:14
14 rewriting these things when it would be produced. 09:30:17

15 Q And what did they tell you? 09:30:22

16 A Soon. 09:30:23

17 Q And when was this conversation? 09:30:28

18 A A year and a half ago. 09:30:29

19 Q And have the regulations changed? 09:30:31

20 A Well, the regulations have not been 09:30:33
21 issued. My understanding is that what's currently 09:30:36
22 holding it up is that they're rewriting the 09:30:38

1 regulations to reflect the -- the Rental Housing 09:30:42

2 Commission decision in my case. 09:30:46

3 Q And when you said "soon," were you -- 09:30:56

4 is that what you're talking about, the rewriting 09:30:58

5 of these regulations will be issued soon, is what 09:31:01

6 they told you? 09:31:04

7 A They told me that before my case was 09:31:05

8 heard by the Rental Housing Commission. 09:31:07

9 Q And have they told you anything since? 09:31:09

10 A No. I've had no communications with 09:31:12

11 them. 09:31:14

12 Q When you testified before the City 09:31:30

13 Council, approximately how long did you testify? 09:31:31

14 A Five to ten minutes. 09:31:39

15 Q Did any other tenants of 3000 [sic] Van 09:31:42

16 Ness testify that -- those days? 09:31:46

17 A Yes. 09:31:48

18 Q Who? 09:31:49

19 A At least Harry Gural, the head of the 09:31:50

20 Tenants Association -- president of the Tenants 09:31:53

21 Association. 09:31:56

22 Q Do you recall anyone else being there? 09:31:58

1	A	No.	09:32:04
2	Q	And when you testified, did you provide	09:32:04
3		any documents?	09:32:12
4	A	I -- I provided a written copy of my	09:32:16
5		testimony.	09:32:20
6	Q	Is that the only document you provided?	09:32:25
7	A	Correct.	09:32:27
8	Q	Have you had any communications with	09:32:35
9		anyone on the D.C. Council directly?	09:32:38
10	A	Yes, I have.	09:32:43
11	Q	Who?	09:32:45
12	A	Anita Bonds.	09:32:46
13	Q	And when did you communicate with	09:32:50
14		Ms. Bonds?	09:32:52
15	A	I don't recall the exact date, but it	09:32:54
16		was probably three years ago.	09:32:56
17	Q	And when did you meet with Ms. Bond- --	09:33:03
18		or, excuse me, where did you meet with Ms. Bonds?	09:33:06
19	A	In her office.	09:33:09
20	Q	And what topics did you all discuss?	09:33:10
21	A	Rental housing.	09:33:12
22	Q	And what specifically about rental	09:33:13

1	housing?	09:33:15
2	A We explained to her the scam that was	09:33:15
3	being done by Equity.	09:33:19
4	Q And when you say "we," who else was	09:33:24
5	with you?	09:33:27
6	A Harry Gural. There were some other	09:33:28
7	people, but I don't recall who.	09:33:36
8	Q Other residents of 3003 Van Ness?	09:33:37
9	A I don't recall.	09:33:40
10	Q Was anyone else from the D.C. Council	09:33:43
11	there besides Ms. Bonds?	09:33:45
12	A No.	09:33:46
13	Q Do you recall approximately how long	09:33:48
14	you met with her?	09:33:49
15	A An hour.	09:33:51
16	Q And why did you meet with Ms. Bonds?	09:34:00
17	A We were urging her to hold committee	09:34:02
18	hearings on the issue of -- of landlords using	09:34:06
19	concession leases to invalidate and make	09:34:13
20	irrelevant the rent control laws.	09:34:18
21	Q And did she have committee hearings	09:34:22
22	after that?	09:34:24

1	A	Yes, she did.	09:34:26
2	Q	And are those the hearings at which you	09:34:26
3		testified?	09:34:30
4	A	Correct.	09:34:31
5	Q	How was it that you came in contact	09:34:43
6		with Ms. Bonds? Did you all reach out to her?	09:34:44
7	A	I did not organize the meeting. I -- I	09:34:49
8		don't know.	09:34:51
9	Q	Did Mr. Gural organize the meeting?	09:34:53
10	A	I don't know. He -- he was the one who	09:34:55
11		told me about it and invited me.	09:34:58
12	Q	Did you provide Ms. Bonds with any	09:35:04
13		documents at that meeting?	09:35:06
14	A	No, I did not.	09:35:07
15	Q	And is that the only meeting that you	09:35:09
16		had with a member of the D.C. Council?	09:35:10
17	A	That is correct --	09:35:13
18	Q	Do you have any future planned meetings	09:35:14
19		with anyone from the D.C. Council?	09:35:16
20	A	-- although, I've -- I've had	09:35:18
21		interactions with people with the D.C. Council at	09:35:22
22		community meetings about other iss- -- mainly	09:35:24

1 about other issues. 09:35:27

2 Q Other issues that aren't related to -- 09:35:28

3 A Correct. 09:35:31

4 Q -- the rental housing? 09:35:31

5 A Correct. 09:35:33

6 Q During any of these interactions with 09:35:35

7 council members, did rental housing issues come 09:35:38

8 up? 09:35:41

9 A To the best of my recollection, no. 09:35:42

10 Q Do you have any future planned meetings 09:35:45

11 or conversations planned with a member of the D.C. 09:35:49

12 Council? 09:35:53

13 A I do not. 09:35:54

14 Q Mr. Gural has come up multiple times. 09:35:59

15 You obviously know him, correct? 09:36:02

16 A Correct. 09:36:03

17 Q Are you still in communication with him 09:36:04

18 today? 09:36:05

19 A You mean contemporaneously? 09:36:08

20 Q Correct. 09:36:11

21 A Yes, I am. 09:36:11

22 Q Do you know where Mr. Gural has been 09:36:13

1 this summer? Has he been in town? 09:36:15

2 A I'm sorry? 09:36:19

3 Q Do you know if Mr. Gural has been in 09:36:20

4 town this summer? 09:36:21

5 A My understanding is that he still 09:36:22

6 resides and pay rent at 3003 Van Ness. 09:36:24

7 Q I'm going to talk to you a little bit 09:36:34

8 about people who live at 3000 [sic] Van Ness -- 09:36:36

9 3003 Van Ness. 09:36:39

10 MS. BUSEN: Could you please mark this 09:36:41

11 as Number 2? 09:36:43

12 (Defendants' Exhibit 2 was marked for 09:36:44

13 identification and is attached to the transcript.) 09:36:44

14 BY MS. BUSEN: 09:36:56

15 Q The court reporter has handed you 09:36:57

16 The District of Columbia's Fact Witness List. You 09:36:59

17 see at the top the case caption for this case. 09:37:02

18 And if you look at page 4, you will see the 09:37:11

19 signature of Gary Tan, and it's dated June 14th, 09:37:13

20 2018. This document was served on Defendants on 09:37:17

21 that date. 09:37:23

22 If you want to take a second to flip 09:37:25

1	through.	09:37:28
2	A Sure.	09:37:29
3	Q If you look at page 3, please,	09:37:49
4	paragraph 21, this -- this is a list of people	09:37:51
5	that the District of Columbia may call to testify	09:37:56
6	at trial. And paragraph 21 says, "All individuals	09:38:00
7	identified in Exhibit A, who are current and	09:38:04
8	former tenants at 3003 Van Ness who signed a lease	09:38:06
9	and/or renewal lease since January 1, 2013 that	09:38:11
10	has contained a monthly recurring rent	09:38:14
11	concession."	09:38:17
12	Do you see that?	09:38:18
13	A Yes, I do.	09:38:18
14	Q Okay. And then if you flip to the	09:38:19
15	seventh page, which, unfortunately, they're not	09:38:22
16	numbered after 5, you'll see Exhibit A, which is	09:38:25
17	titled Witnesses Referenced in Paragraph 21 of the	09:38:30
18	District's Fact Witness List.	09:38:35
19	Do you see that?	09:38:38
20	A I do.	09:38:39
21	Q Okay. I'm just going to go through	09:38:39
22	this list with you quickly and see who you have	09:38:40

1	spoken to.	09:38:44
2	Number 1 is a name that I'm probably	09:38:45
3	going to butcher. Adeloa Makinde?	09:38:48
4	A I have no recollection of talking with	09:38:53
5	her.	09:38:55
6	Q Okay. Do you know Allison Brown?	09:38:56
7	A I have no recollection of Allison	09:39:04
8	Brown.	09:39:06
9	Q Do you know Anand Kandaswamy?	09:39:09
10	A I have no recollection of Anand	09:39:13
11	Kandaswamy.	09:39:13
12	Q Do you know Andrew Schmidt?	09:39:17
13	A I have no recollection of Andrew	09:39:19
14	Schmidt.	09:39:20
15	Q Do you know Alexandra Curd?	09:39:21
16	A I have no recollection of Alexandra	09:39:25
17	Curd.	09:39:26
18	Q Do you know Anthony Hinton?	09:39:27
19	A I have no recollection of Anthony	09:39:29
20	Hinton.	09:39:30
21	Q Do you know Andrew Ellingsen?	09:39:32
22	A I have no recollection of Andrew	09:39:35

1	Ellingsen.	09:39:37
2	Q Do you know Joseph Kachovec?	09:39:39
3	A I have no recollection of Joseph	09:39:41
4	Kachovec.	09:39:43
5	Q Do you know Arai Monteforte?	09:39:44
6	A I have no recollection of Arai	09:39:48
7	Monteforte.	09:39:50
8	Q Do you know Armande Gil?	09:39:52
9	A I have no recollection of Armande Gil.	09:39:55
10	I have to tell you, though, I'm not very good with	09:39:57
11	names.	09:39:59
12	Q Okay.	09:40:00
13	A If -- if I knew about names, I would	09:40:00
14	have been a salesman and made much bigger bucks.	09:40:02
15	Q That's fair.	09:40:06
16	Do you know Ben Serinsky?	09:40:07
17	A I have no recollection of Ben Serinsky.	09:40:11
18	Q Do you know Samantha Hassard?	09:40:13
19	A I have no recollection of Samantha	09:40:16
20	Hassard.	09:40:17
21	Q Do you know Brett Grinrod?	09:40:18
22	A I have no recollection of Brett	09:40:21

1	Grinrod.	09:40:22
2	Q Do you know Brian Lederer?	09:40:24
3	A I do know Brian Lederer.	09:40:26
4	Q Okay. And how do you know Mr. Lederer?	09:40:28
5	A Mr. Lederer was a member of the board	09:40:34
6	of the Tenants Association when I was also a	09:40:37
7	member of the board of the Tenants Association.	09:40:40
8	Q Okay. And -- and who else was on the	09:40:43
9	board when you were a member of the board?	09:40:45
10	A I --	09:40:47
11	Q Do you recall?	09:40:49
12	A No, but we'll -- we'll get to their	09:40:49
13	names, I'm sure.	09:40:52
14	Q Yeah, probably.	09:40:54
15	And have you talked to Mr. Lederer	09:40:54
16	about the allegations in this case?	09:40:58
17	A Probably.	09:41:02
18	Q And are you in contemporaneous contact	09:41:04
19	with Mr. Lederer?	09:41:08
20	A Yes, I am.	09:41:10
21	Q And how frequently do you communicate	09:41:10
22	with Mr. Lederer?	09:41:13

1	A	Oh, maybe once a month.	09:41:17
2	Q	And do you communicate with him about	09:41:22
3		the issues in this case or your case?	09:41:24
4	A	About my case and, of course, his case.	09:41:31
5	Q	Do you all ever discuss the D.C. AG	09:41:42
6		case?	09:41:48
7	A	Very rarely.	09:41:48
8	Q	And when you communicate with	09:41:54
9		Mr. Lederer, is it telephone, e-mail, person -- in	09:41:57
10		person?	09:42:02
11	A	All three.	09:42:02
12	Q	All three.	09:42:03
13		And when you all discuss your cases,	09:42:14
14		what are you talking about, the status or	09:42:18
15		something else?	09:42:22
16	A	We talk about the status and any recent	09:42:26
17		events.	09:42:31
18	Q	When was the most recent time you've	09:42:36
19		communicated with Mr. Lederer?	09:42:38
20	A	Tuesday night.	09:42:40
21	Q	Of this week?	09:42:41
22	A	Yes.	09:42:42

1 Q And did you discuss this deposition 09:42:43
2 with him? 09:42:44

3 A No. Well, I might have mentioned 09:42:45
4 that -- I -- I think I did mention that I was -- 09:42:48
5 that this deposition was occurring on Thursday. 09:42:53

6 Q Did he mention any deposition of him? 09:42:59

7 A No. 09:43:02

8 Q Did you discuss at all with him the 09:43:11
9 substance of what you expected to testify about 09:43:13
10 today? 09:43:15

11 A No. We did not actually discuss the 09:43:15
12 deposition. I just announced it as an example of 09:43:17
13 progress on -- on this -- on this case that most 09:43:23
14 of us thought was dead, it's been going on for so 09:43:28
15 long, that I was being deposed Thursday -- or 09:43:32
16 today. 09:43:36

17 Q When you say you thought this case was 09:43:38
18 dead, why do you say that? 09:43:40

19 A Because it's been dragging on for so 09:43:41
20 long. We had hoped that the -- when the Attorney 09:43:43
21 General became involved that things would happen 09:43:46
22 more quickly or that it would have some impact on 09:43:50

1	Equity's actual policies.	09:43:54
2	Q So were you surprised, then, when you	09:44:01
3	received your subpoena?	09:44:03
4	A Yes.	09:44:05
5	Q Okay. Let's go back to our -- our list	09:44:08
6	here. Number 15 is Calvin Geon Hee Lee.	09:44:11
7	Do you know him?	09:44:17
8	A I do not know Mr. -- Mr. Lee.	09:44:18
9	Q Do you know Charlie Finch?	09:44:21
10	A I do not recall Charlie Finch.	09:44:23
11	Q Do you know Amelia Finch?	09:44:26
12	A I do not recall Amelia Finch.	09:44:27
13	Q Do you know Chary Annaberdiev? I'm	09:44:32
14	sure I'm butchering that one.	09:44:35
15	A I do not recall Chary Annaberdiev.	09:44:38
16	Q Or Maia Annaberdiev?	09:44:42
17	A I do not recall her either.	09:44:44
18	Q Do you know Claudia Curiel?	09:44:46
19	A I do not recall Claudia Curiel.	09:44:48
20	Q Do you know Daisy Chung?	09:44:51
21	A I do not recall Daisy Chung.	09:44:53
22	Q Do you know Mario Cubias?	09:44:55

1	A	I do not recall Mario Cubias.	09:44:59
2	Q	Do you know Danielle Callet?	09:45:00
3	A	I do not recall Danielle Callet.	09:45:03
4	Q	It's a long list.	09:45:07
5	A	It's a long list.	09:45:08
6	Q	It's not -- don't blame me.	09:45:10
7		Do you know David Treichler?	09:45:11
8	A	I do not recall David Treichler.	09:45:13
9	Q	Do you know Lance Fuller?	09:45:15
10	A	I do not recall Lance Fuller.	09:45:17
11	Q	Do you know Donald Ward?	09:45:19
12	A	I do not recall Donald Ward.	09:45:20
13	Q	Do you know Elissa Barnes?	09:45:22
14	A	I don't recall Elissa Barnes.	09:45:24
15	Q	Do you know Emily Shinay?	09:45:27
16	A	I do not recall Emily Shilay -- Shinay.	09:45:30
17	Q	Do you know Emily Storch?	09:45:35
18	A	I do not recall Emily Storch.	09:45:37
19	Q	Do you know Ernesto Cuestas?	09:45:37
20	A	I do not recall Ernesto Cuestas.	09:45:39
21	Q	Do you know Eser Yildirim?	09:45:42
22	A	I do not recall that person.	09:45:44

1	Q	Do you know Eileen Marutiak?	09:45:46
2	A	I do not recall Eileen Marutiak.	09:45:50
3	Q	Do you know Fiona Meagher?	09:45:54
4	A	I do not recall Fiona Meagher.	09:45:55
5	Q	Do you know Gabe Fineman?	09:45:58
6	A	Yes. I am Gabe Fineman.	09:46:01
7	Q	Okay. The next one I think you also	09:46:03
8		know. Do you know Harry Gural?	09:46:03
9	A	I know Harry Gural.	09:46:05
10	Q	And do you -- did you know Mr. Gural	09:46:07
11		before your involvement on the Van Ness Tenants	09:46:09
12		Association board?	09:46:12
13	A	Yes.	09:46:15
14	Q	And how did you know him?	09:46:16
15	A	I joined the association.	09:46:17
16	Q	And has he always been the president of	09:46:20
17		the association?	09:46:22
18	A	During my tenure at 3003 Van Ness, he	09:46:23
19		was the president of the association.	09:46:27
20	Q	Do you know, did he start the	09:46:29
21		association?	09:46:31
22	A	Oh, no, he did not start the	09:46:32

1	association.	09:46:34
2	Q It's been around a long time?	09:46:34
3	A It's been around ever since the owners	09:46:36
4	of the building tried to convert it to a	09:46:38
5	condominium.	09:46:41
6	Q Do you know roughly when that was?	09:46:42
7	A In the 1970s.	09:46:44
8	Q Do you know Ionut Dobre?	09:46:54
9	A I do not recall Ionut Dobre.	09:46:57
10	Q Do you know Jacqueline Feldman?	09:47:00
11	A I do not recall Jacqueline Feldman.	09:47:02
12	Q Do you know Jason Robinson?	09:47:04
13	A I do not recall Jason Robinson.	09:47:06
14	Q Do you know John Van Son?	09:47:09
15	A I do not recall John Van Son.	09:47:11
16	Q Do you know Jennifer Rosser?	09:47:12
17	A I do not recall Jennifer Rosser.	09:47:13
18	Q Do you know Justin Teitell?	09:47:15
19	A I do not recall Justin Teitell.	09:47:17
20	Q Do you know Kara Harkin?	09:47:19
21	A I do know Kara Har- -- Harkin.	09:47:21
22	Q You do know her?	09:47:23

1	A	Yes.	09:47:24
2	Q	And how do you know her?	09:47:25
3	A	She was a member of the board.	09:47:26
4	Q	And have you had conversations with	09:47:35
5		Kara Harkin?	09:47:37
6	A	Yes.	09:47:42
7	Q	About what?	09:47:43
8	A	When we were members of the board	09:47:43
9		together.	09:47:46
10	Q	So you don't know her outside of the	09:47:47
11		board?	09:47:48
12	A	I don't know her outside of the board,	09:47:49
13		no.	09:47:50
14	Q	And when you were on the board, what	09:47:51
15		topics generally did you discuss?	09:47:53
16	A	Whatever was in front of the board,	09:47:56
17		things like dogs being electrocuted in the -- at	09:47:58
18		the building, of general disrepair of the	09:48:07
19		building, leaks in the roof, and things like that,	09:48:09
20		as well as this whole bait-and-switch scheme.	09:48:12
21	Q	Do you know, is Ms. Harkin still on the	09:48:24
22		board?	09:48:27

1	A	I don't know.	09:48:28
2	Q	Do you know if --	09:48:29
3	A	I haven't been on the board for several	09:48:30
4		years.	09:48:32
5	Q	Do you know if she still resides at	09:48:32
6		3003 Van Ness?	09:48:34
7	A	I -- I do not know. I think that she	09:48:36
8		does, because I still see her on the -- the e-mail	09:48:38
9		list -- contributing to the e-mail list, but then	09:48:43
10		I don't reside there anymore, and I still am on	09:48:47
11		the e-mail list.	09:48:51
12	Q	And what -- what is this e-mail list?	09:48:53
13	A	The association has an e-mail list.	09:48:55
14	Q	And you still receive the e-mails even	09:49:00
15		though you no longer reside there?	09:49:02
16	A	Correct.	09:49:04
17	Q	And how often do you receive e-mails	09:49:06
18		from the association?	09:49:09
19	A	Irregularly.	09:49:09
20	Q	Once a month, less?	09:49:11
21	A	Oh, probably more than once a month.	09:49:14
22		People have a lot to complain about.	09:49:16

1	Q	How many people, roughly, would you say	09:49:26
2		are on this e-mail distribution list?	09:49:29
3	A	I don't know.	09:49:31
4	Q	All right. Do you know Lauren Bachtel?	09:49:41
5	A	I do not recall Lauren Bachtel.	09:49:44
6	Q	Do you know Mary Jane Maxwell?	09:49:47
7	A	I do not recall Mary Jane Maxwell.	09:49:49
8	Q	Do you know Matthew Sparveri?	09:49:52
9	A	I do not recall Matthew Sparveri.	09:49:54
10	Q	Do you know Melody Stevens?	09:49:56
11	A	I do not recall Melody Stevens.	09:49:57
12	Q	Do you know Naomi Giertych?	09:50:00
13	A	I do not recall Naomi Giertych.	09:50:02
14	Q	Do you know Nick Pettet?	09:50:04
15	A	I do not recall Nick Pettet.	09:50:06
16	Q	Do you know Katie Pettet?	09:50:08
17	A	I do not recall Katie Pettet.	09:50:10
18	Q	Do you know Pat Remick -- Remick?	09:50:12
19	A	I believe so, yes.	09:50:16
20	Q	And how do you know Pat Remick?	09:50:17
21	A	I believe she was on the board. I'm --	09:50:20
22		I'm not that familiar with her last name.	09:50:21

1	Everyone was just called by their first names.	09:50:25
2	Q And do you know if Ms. Remick still	09:50:29
3	resides at 3003 Van Ness?	09:50:33
4	A I'm not sure.	09:50:37
5	Q Have you had any contemporaneous	09:50:41
6	communication with her?	09:50:42
7	A Now and again, she posts on the	09:50:46
8	LISTSERV.	09:50:49
9	Q And what does she post about?	09:50:53
10	A Mainly things involving safety at the	09:50:58
11	building.	09:51:02
12	Q Does she ever post about the issues in	09:51:03
13	this case?	09:51:07
14	A I don't recall her posting about the	09:51:08
15	issues in this case.	09:51:10
16	Q Do you know Rachel Evans?	09:51:14
17	A I do not recall Rachel Evans.	09:51:16
18	Q Do you know Robert Alejnikov?	09:51:18
19	A I do not recall Robert Alejnikov.	09:51:22
20	Q Do you know Stacey Mescall?	09:51:23
21	A I do not recall Stacey Mescall.	09:51:25
22	Q Do you know Ruth Rose?	09:51:27

Transcript of Gabriel Fineman
Conducted on August 2, 2018

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1	A	I do not recall Ruth Rose.	09:51:29
2	Q	Do you know Sarah Pleznac?	09:51:32
3	A	I -- I do recall Sarah Pleznac.	09:51:33
4	Q	And how do you recall her?	09:51:36
5	A	She was at meetings of the -- the	09:51:39
6		board.	09:51:42
7	Q	Of the board?	09:51:43
8	A	Yes.	09:51:44
9	Q	Was she on the board?	09:51:45
10	A	She might have been at one time.	09:51:47
11	Q	Since you have left 3003 Van Ness, have	09:51:56
12		you had any communications with Ms. Pleznac?	09:52:00
13	A	I think she's posted on the LISTSERV.	09:52:03
14	Q	And do you recall about what she's	09:52:05
15		posted?	09:52:07
16	A	No.	09:52:07
17	Q	Do you know Sebastian Greene?	09:52:12
18	A	I do not recall Sebastian.	09:52:14
19	Q	Do you know Jakub Poniatowski?	09:52:17
20	A	I do not recall Jakub Poniatwoski.	09:52:20
21	Q	Do you know Shawn Janzen?	09:52:23
22	A	Yes, I do.	09:52:25

1 Q And how do you know Shawn Janzen? 09:52:26

2 A He was on the board. 09:52:29

3 Q And do you know if Mr. Janzen still 09:52:32

4 resides at 3003 Van Ness? 09:52:36

5 A My belief is he does not. 09:52:39

6 Q And why is that your belief? 09:52:41

7 A Because I recall him posting about his 09:52:44

8 new apartment that was not rent-controlled -- 09:52:48

9 was -- was rent-controlled but did not have a 09:52:53

10 concession lease that was nearby. 09:52:56

11 Q And he was posting this on the 09:53:00

12 association LISTSERV? 09:53:02

13 A Correct. 09:53:03

14 Q And do you recall why he was posting 09:53:09

15 about his new location? 09:53:11

16 A He was telling people where he was and 09:53:13

17 what happened to him and advising them that they 09:53:14

18 could move to a building without concession 09:53:17

19 leases. 09:53:21

20 Q Besides that posting, have you had any 09:53:24

21 contemporaneous communications with Mr. Janzen? 09:53:26

22 A Besides -- I've had no contemporaneous 09:53:30

1 communications with him outside of viewing posts 09:53:34
2 on the LISTSERV. 09:53:40
3 Q And do you recall, did he leave 09:53:41
4 3003 Van Ness after you? 09:53:42
5 A Correct. 09:53:45
6 Q Is Paige Janzen related to Shawn 09:53:48
7 Janzen? 09:53:50
8 A I -- I don't know. 09:53:52
9 Q You don't know Paige Janzen? 09:53:52
10 A Correct. 09:53:55
11 Q Do you know Sherman Xia? 09:53:55
12 A I do not rel- -- recollect Sherman Xia. 09:53:58
13 Q Do you know Shirley Adelstein? 09:54:01
14 A Yes, I do know Shirley Adelstein. 09:54:04
15 Q And how do you know Shirley Adelstein? 09:54:07
16 A She was our ANC commissioner. 09:54:08
17 Q Excuse me, your what? 09:54:12
18 A ANC commissioner, Advisory Neighborhood 09:54:13
19 Commission. 09:54:14
20 Q What does the ANC commissioner do? 09:54:17
21 A ANC is a major part of the District of 09:54:21
22 Columbia governmental structure. They are unpaid 09:54:24

1 posts where people elected in regular elections -- 09:54:29
2 you know, when -- when you vote for congressmen or 09:54:34
3 whatever, and those elections help to resolve 09:54:39
4 local issues in the District. 09:54:44

5 Q So was her -- was she the commissioner 09:54:48
6 for a wider area than just your building? 09:54:52

7 A Correct. 09:54:54

8 Q Was Ms. Adelstein involved in the 09:54:56
9 Tenants Association? 09:55:00

10 A She was a member of the Tenants 09:55:03
11 Association. 09:55:04

12 Q And in her role as ANC commissioner, 09:55:15
13 did she communicate concerns of the Tenants 09:55:18
14 Association to the City? 09:55:21

15 A Yes, she did. 09:55:25

16 Q Do you know which concerns of the 09:55:28
17 Tenants Association she would have communicated to 09:55:30
18 the City? 09:55:32

19 A Well, when you say "to the City," she 09:55:33
20 mainly communicated concerns to the ANC 09:55:36
21 commission, which is made up of seven or eight 09:55:42
22 representatives in that particular zone, and the 09:55:45

1 Commission would then pass resolutions that would 09:55:57
2 be forwarded to the Mayor and City Council or to 09:56:00
3 agencies. 09:56:05
4 Q And do you know if any of the tenant 09:56:10
5 association concerns ever got passed on as 09:56:13
6 resolutions? 09:56:16
7 A Yes. 09:56:17
8 Q Which one? Which concerns? 09:56:18
9 A About concession leases. 09:56:20
10 Q And do you know what the resolution 09:56:24
11 said? 09:56:27
12 A It said the law should be changed to, 09:56:29
13 and the regulation should be changed to, stop this 09:56:33
14 illegal circumvention of rent control. 09:56:36
15 Q Do you recall the timing, roughly, of 09:56:43
16 these resolutions? 09:56:45
17 A Several years ago. 09:56:48
18 Q Do you know if Ms. Adelstein still 09:56:55
19 resides at 3003 Van Ness? 09:56:58
20 A I believe so. 09:57:01
21 Q Do you know if she is still an ANC 09:57:01
22 commissioner? 09:57:04

1	A	She is still an ANC commissioner.	09:57:05
2	Q	Do you know Josh Sanderlin?	09:57:12
3	A	I do not recall Josh Shan- --	09:57:14
4		Sanderlin.	09:57:15
5	Q	Do you know Tyler Bond?	09:57:15
6	A	I do not recall Tyler Bond.	09:57:17
7	Q	Do you know Liz Ragland?	09:57:18
8	A	I do not recall Liz Ragland.	09:57:20
9	Q	Do you know Zachary Rosenfeld?	09:57:21
10	A	I do not recall Zachary Rosenfeld.	09:57:24
11	Q	Do you know Alessandra Piccolotto?	09:57:27
12	A	I do not recall Alessandra Piccolotto.	09:57:31
13	Q	Do you know Antonio Baptista?	09:57:32
14	A	I do not recall Antonio Baptista.	09:57:35
15	Q	Do you know Brittany Balmer?	09:57:37
16	A	I do not recall Brittany Balmer.	09:57:39
17	Q	Do you know Chris Miller?	09:57:41
18	A	I do not recall Chris Miller.	09:57:42
19	Q	Do you know Evan Herring?	09:57:44
20	A	I do not recall Evan Herring.	09:57:45
21	Q	Do you know Hannah Landsberger?	09:57:47
22	A	I do not recall Hannah Landsberger.	09:57:50

1	Q	Do you know Hannah Pierson-Compeau?	09:57:51
2	A	I do not recall Hannah Pierson-Compeau.	09:57:53
3	Q	Do you know Jeff Abbott?	09:57:55
4	A	I do not recall Jeff Abbott.	09:57:57
5	Q	Do you know Vivian Abbott?	09:57:59
6	A	I do not recall Vivian Abbott.	09:58:00
7	Q	Do you know Justin Pennisi?	09:58:03
8	A	I do not recall Justin Pennisi.	09:58:05
9	Q	Do you know Emma Pennisi?	09:58:07
10	A	I do not recall Emma Pennisi.	09:58:08
11	Q	Do you know Katie Weigel?	09:58:12
12	A	I do not recall Katie Weigel.	09:58:14
13	Q	Do you know Nick Weigel?	09:58:14
14	A	I do not recall Nick Weigel.	09:58:16
15	Q	Do you know Nicolas Fior- -- Fiorini?	09:58:16
16	A	I do not recall Nicolas Fiorini.	09:58:19
17	Q	Do you know Stephanie Jarr?	09:58:22
18	A	I do not recall Steph- -- Stephanie	09:58:23
19		Jarr.	09:58:24
20	Q	Do you know Thomas Trimbur?	09:58:25
21	A	I do not recall Thomas Trimbur.	09:58:27
22	Q	Finally, do you know Tiffany	09:58:28

1	Guglielmetti?	09:58:31
2	A I do not recall her.	09:58:32
3	Q We've talked several times about the	09:58:43
4	Van Ness Tenants Association.	09:58:45
5	How many people are on the board at the	09:58:49
6	Tenants Association?	09:58:52
7	A I believe there -- when I was there,	09:58:53
8	there were five.	09:58:57
9	Q And were you on the board for your	09:59:05
10	entire time living there or just a limited period?	09:59:08
11	A Just a limited period.	09:59:12
12	Q What was that limited period?	09:59:13
13	A Last year and a half or so.	09:59:17
14	Q Were you a member of the board prior	09:59:21
15	to -- I mean, a member of the association prior to	09:59:23
16	becoming a member of the board?	09:59:25
17	A Yes, I was.	09:59:26
18	Q Okay. And when did you join the -- the	09:59:27
19	association?	09:59:28
20	A Probably in the spring of 2014.	09:59:32
21	Q So that would be, you think, roughly	09:59:36
22	six months after you moved in?	09:59:40

1	A	Probably three or four months.	09:59:43
2	Q	How often does the association meet?	09:59:46
3	A	The association meets irregularly.	09:59:49
4	Q	What does that mean, less than once a	09:59:52
5		month?	09:59:56
6	A	No. It's more than once a month.	10:00:00
7	Q	If it's irregular, I take it that means	10:00:03
8		it's not the second Tuesday of each month?	10:00:06
9	A	Correct.	10:00:08
10	Q	So how do you decide that you're going	10:00:09
11		to have a meeting?	10:00:12
12	A	When there are issues that require or	10:00:12
13		warrant input from the membership.	10:00:19
14	Q	And -- and who decides when to call a	10:00:22
15		meeting?	10:00:25
16	A	The board.	10:00:25
17	Q	And how often did the board meet?	10:00:26
18	A	The board would generally meet at least	10:00:28
19		once a month, but it depended on what issues were	10:00:31
20		present.	10:00:35
21	Q	How many people typically attend an	10:00:38
22		association meeting?	10:00:40

1	A	A hundred.	10:00:42
2	Q	And when you had these meetings, did	10:01:00
3		you take any notes?	10:01:03
4	A	I may have recorded some of them.	10:01:08
5	Q	Like on your phone?	10:01:12
6	A	On my phone or on a pocket tape	10:01:14
7		recorder.	10:01:18
8	Q	And do you maintain copies of that	10:01:21
9		audio recording?	10:01:23
10	A	I might.	10:01:29
11	Q	Does the association have a secretary	10:01:33
12		or anyone that's responsible for taking notes?	10:01:35
13	A	Yes.	10:01:38
14	Q	And who is that -- or who was that	10:01:38
15		during your time?	10:01:40
16	A	I think that was Sarah.	10:01:41
17	Q	Pleznac?	10:01:43
18	A	Yes.	10:01:44
19	Q	And would she circulate the notes, or	10:01:47
20		did she just maintain them?	10:01:49
21	A	They were approved by the board at its	10:01:53
22		next meeting.	10:01:58

1	Q	But were they distributed to the entire	10:02:00
2		membership?	10:02:03
3	A	I don't recall.	10:02:05
4	Q	We had gone through this long list of	10:02:20
5		current and former tenants that was provided to us	10:02:23
6		by the District of Columbia.	10:02:26
7		Did you provide any of those names to	10:02:27
8		the District?	10:02:28
9	A	Only my own.	10:02:30
10	Q	Have you ever had any communications	10:02:34
11		with a current or former tenant at other Equity	10:02:37
12		properties?	10:02:42
13	A	I've been on several phone calls with	10:02:48
14		the head of another tenant association.	10:02:51
15	Q	Do you recall that person's name?	10:02:58
16	A	No.	10:03:00
17	Q	Do you know what tenant association he	10:03:01
18		was the head of?	10:03:04
19	A	Cleveland House.	10:03:06
20	Q	And when were you on these phone calls	10:03:12
21		with him?	10:03:14
22	A	I don't recall. Sometime --	10:03:17

1	Q	But during the time you resided at	10:03:19
2		3003 Van Ness?	10:03:21
3	A	Yes.	10:03:23
4	Q	And what was discussed during these	10:03:23
5		phone calls?	10:03:26
6	A	The similar scam that was being	10:03:28
7		conducted at Cleveland House.	10:03:30
8	Q	Do you recall how many phone calls	10:03:38
9		there were?	10:03:40
10	A	I -- I think that there were two.	10:03:40
11	Q	Do you recall anyone else who would	10:03:47
12		have been on those calls?	10:03:49
13	A	Harry Gural.	10:03:51
14	Q	Anyone else?	10:03:54
15	A	No.	10:03:55
16	Q	Was there anyone else from Cleveland	10:03:58
17		House on the call?	10:04:01
18	A	I don't recall.	10:04:02
19	Q	Did Mr. Gural set up this phone call?	10:04:09
20	A	I have no idea.	10:04:13
21	Q	Did Mr. Gural ask you to participate in	10:04:14
22		the phone call?	10:04:15

1	A	Yes, he did.	10:04:16
2	Q	Besides that gentleman from Cleveland	10:04:20
3		House, have you had any other communication with	10:04:23
4		anyone at an Equity property?	10:04:25
5	A	You're saying people who work for	10:04:30
6		Equity?	10:04:32
7	Q	No. Tenants. Yeah, sorry. Let me	10:04:32
8		rephrase it.	10:04:35
9		Besides that person from Cleveland	10:04:36
10		House, have you had any other communications with	10:04:38
11		a tenant at another Equity property?	10:04:41
12	A	Yes.	10:04:46
13	Q	Who?	10:04:46
14	A	Well, for example, my -- my friend's	10:04:49
15		daughter lives in New York in an Equity apartment	10:04:51
16		where they do exactly the same thing.	10:04:54
17	Q	Have you had any communications with	10:04:59
18		any tenants at other Equity properties in D.C.	10:05:02
19		besides the gentleman from Cleveland House?	10:05:05
20	A	I don't recall.	10:05:10
21	Q	Are you familiar with a website called	10:05:16
22		Fair Rent DC?	10:05:18

1	A	Yes, I am.	10:05:19
2	Q	What is Fair Rent DC?	10:05:20
3	A	Fair Rent DC is a website that	10:05:23
4		advocates for the end of concession leases.	10:05:29
5	Q	Are you involved in Fair Rent DC?	10:05:32
6	A	I was involved in providing some	10:05:35
7		content for Fair Rent DC.	10:05:40
8	Q	So you mean content actually for the	10:05:46
9		website?	10:05:48
10	A	Correct.	10:05:49
11	Q	And what content did you provide?	10:05:49
12	A	I provided some content that was not	10:05:51
13		actually put up.	10:05:55
14	Q	Okay. What -- what was it?	10:05:57
15	A	It was about how to start a Tenant	10:05:59
16		Petition and how to do an appeal.	10:06:01
17	Q	And how to do an appeal, you said?	10:06:06
18	A	Yes.	10:06:11
19		I'm learning as I go along.	10:06:11
20	Q	And to whom did you provide that	10:06:14
21		information?	10:06:16
22	A	Mr. Gural.	10:06:17

1 Q Is Mr. Gural in charge of the Fair Rent 10:06:23
2 DC website? 10:06:24

3 A No. Someone else actually did the work 10:06:29
4 involved in setting it up and maintaining it. 10:06:32

5 Q Is he primarily in charge of the 10:06:38
6 content that gets put on that website? 10:06:39

7 A I don't know. 10:06:42

8 Q Is Fair Rent DC a group that you can 10:06:44
9 join, or is it just a website? 10:06:47

10 A I -- I'm not sure. 10:06:51

11 Q Have you ever been to any type of 10:06:57
12 meeting that was Fair Rent DC -- 10:06:59

13 A Yes. 10:07:02

14 Q -- oriented? 10:07:02
15 Okay. And when was that? 10:07:04

16 A Shortly after the website went up. 10:07:06

17 Q And do you recall roughly when that is? 10:07:08

18 A No. 10:07:11

19 Q Was it more than a year ago? 10:07:12

20 A I -- I think it was about a year ago. 10:07:15
21 I'm not sure. 10:07:17

22 Q And who was at this meeting? 10:07:19

1 A The website designer, Harry, several 10:07:23
2 tenant advocates in D.C., and myself. 10:07:29
3 Q Do you recall the names of the tenant 10:07:35
4 advocates? 10:07:37
5 A Cynthia came late. Cynthia Pols, 10:07:41
6 P-O-L-S. 10:07:46
7 Q Was there anyone else there that you 10:07:55
8 can remember? 10:07:57
9 A No. 10:07:58
10 Q And where did you all meet? 10:07:58
11 A In Harry Gural's apartment. 10:08:02
12 Q And how long did the meeting last? 10:08:09
13 A Oh, about an hour. 10:08:11
14 Q And what did you all discuss? 10:08:12
15 A We celebrated the launching of the 10:08:15
16 website. 10:08:19
17 Q Is that the only meeting you've been to 10:08:25
18 involving Fair Rent DC? 10:08:28
19 A Correct. 10:08:29
20 Q Do you know if they have meetings and 10:08:31
21 you just have not participated? 10:08:33
22 A I do not know. 10:08:35

1 Q We've been going for about an hour. 10:08:48
2 Would you like a break, or would you 10:08:50
3 like to continue? 10:08:52
4 A I'm fine. 10:08:53
5 Q Okay. 10:08:55
6 MS. MILLS: I would suggest a break in 10:08:55
7 about 15 minutes, if that's acceptable. 10:08:57
8 MS. BUSEN: That's fine. 10:09:00
9 MS. MILLS: Okay. 10:09:00
10 BY MS. BUSEN: 10:09:03
11 Q So we've -- we've talked. You were 10:09:05
12 obviously a resident at 3000 [sic] Van Ness, and 10:09:08
13 you believe you resided there for three years? 10:09:11
14 A Correct. 10:09:16
15 Q When did you first consider 10:09:19
16 3003 Van Ness as a potential resident? 10:09:21
17 A Oh, in the summer of 2013, I was 10:09:28
18 considering selling my house on Porter Street and 10:09:34
19 looked at a number of apartments in the general 10:09:38
20 area, including 3003. 10:09:42
21 Q And how did you first hear about 10:09:48
22 3003 Van Ness? 10:09:51

1	A	From their website.	10:09:53
2	Q	When you saw it on the website, did you	10:09:58
3		then go look in person?	10:10:00
4	A	I -- I believe so.	10:10:04
5	Q	Do you remember going on a tour?	10:10:06
6	A	No.	10:10:09
7	Q	Did you -- what materials did you	10:10:13
8		review on the website?	10:10:15
9	A	Apartments that were available and	10:10:19
10		their advertised price.	10:10:21
11		MS. MILLS: Could I ask a clarifying	10:10:38
12		question?	10:10:39
13		Which website did you look at?	10:10:41
14		THE WITNESS: Well, I don't recall if I	10:10:46
15		was using general apartment websites, but I'm sure	10:10:49
16		that I looked at -- because it's my policy, I'm	10:10:53
17		sure that I looked at the -- the official website	10:10:56
18		for 3003 Van Ness.	10:11:01
19		MS. BUSEN: Ms. Mills, if you want to	10:11:05
20		ask questions at the end, you can ask questions.	10:11:07
21		This is my deposition right now, though.	10:11:09
22		BY MS. BUSEN:	10:11:13

1 Q You said the advertised price. 10:11:14

2 Was there any -- was that the monthly 10:11:16

3 rental amount? 10:11:19

4 A Correct. 10:11:19

5 MS. BUSEN: Could you mark that as 3, 10:11:41

6 please? 10:11:44

7 (Defendants' Exhibit 3 was marked for 10:11:44

8 identification and is attached to the transcript.) 10:11:44

9 BY MS. BUSEN: 10:11:56

10 Q Mr. Fineman, the court reporter has 10:11:56

11 handed you what's been marked as Defendants' 10:11:58

12 Exhibit 3. This is a screenshot of Equity 10:12:01

13 Apartments' website. 10:12:08

14 A When was this taken? 10:12:10

15 Q This is a printout from roughly 10:12:11

16 mid-2016. 10:12:15

17 Do you recall if this looks similar to 10:12:19

18 the website you reviewed? 10:12:21

19 A Give me a moment here. 10:12:29

20 Q Take your time. 10:12:30

21 A I can't recall. 10:13:58

22 Q If you -- at the bottom -- well, it's 10:14:01

1 not really the bottom, because it's -- but if you 10:14:03
2 flip it portrait, you see the Bates numbers? It's 10:14:06
3 probably right by where the sticker is. It says 10:14:10
4 VN 1076. 10:14:13
5 A Yes. 10:14:16
6 Q Okay. If you flip to the page that's 10:14:17
7 numbered 1082. 10:14:19
8 A Yes. 10:14:30
9 Q Okay. And you see that this is a page 10:14:31
10 that's offering a studio apartment from \$1,570. 10:14:32
11 Do you see that? 10:14:38
12 A Yes. 10:14:39
13 Q Do you recall whether this looks 10:14:39
14 similar to what you would have reviewed on the 10:14:41
15 website? 10:14:44
16 A I really don't recall what I reviewed 10:14:49
17 on the website in the summer of 2013. Sorry. 10:14:51
18 Q With whom at Equity did you first speak 10:15:00
19 about potentially renting an apartment? 10:15:03
20 A A leasing agent. 10:15:07
21 Q Do you remember the leasing agent's 10:15:11
22 name? 10:15:14

1	A	No.	10:15:14
2	Q	Was this also summer of 2013?	10:15:15
3	A	I believe so. In the summer of 2013, I	10:15:20
4		wasn't actually looking for an apartment. I was	10:15:23
5		looking for the availability of apartments in my	10:15:26
6		price range before I sold my house.	10:15:31
7	Q	Okay. And do you remember what you	10:15:35
8		discussed with that leasing agent?	10:15:38
9	A	No.	10:15:40
10	Q	And did you visit the property before	10:15:43
11		entering into your lease?	10:15:45
12	A	Oh, yes.	10:15:46
13	Q	Multiple times?	10:15:48
14	A	Yes.	10:15:49
15	Q	And what did you do when you came those	10:15:50
16		times to the property?	10:15:53
17	A	Viewed -- viewed apartments, talked	10:15:55
18		about the building.	10:15:57
19	Q	When did you become aware that	10:16:10
20		3003 Van Ness was subject to the Rental Housing	10:16:12
21		Act?	10:16:14
22	A	When they gave me the Rental Housing	10:16:16

1 Act documents when I -- I rented the apartment. 10:16:18

2 Q So what -- was that the first time you 10:16:26

3 came and visited? 10:16:28

4 A No. 10:16:30

5 Q Do you -- 10:16:32

6 A It's -- it's when I actually signed the 10:16:32

7 documents, which was in December of 2013. 10:16:34

8 Q Mr. Fineman, do you believe that Equity 10:16:42

9 deceived you? 10:16:44

10 A Deceived me about what? 10:16:47

11 Q About anything that was in your lease. 10:16:49

12 A Yes. 10:16:54

13 Q How so? 10:16:55

14 A When I asked them why there was a 10:16:56

15 different price on the -- listed in the lease 10:17:00

16 other than the price that I was supposed to pay 10:17:05

17 each month, I have a clear and vivid recollection 10:17:08

18 of the leasing agent saying it was required by 10:17:13

19 rent control. 10:17:16

20 Q What was required by rent control? 10:17:20

21 A The higher price. 10:17:21

22 MS. BUSEN: It's been about 15 minutes. 10:17:25

1 Do you want to take a break? 10:17:27

2 MR. TAN: I'm okay. 10:17:30

3 MS. MILLS: That's fine if this is a 10:17:33

4 good time -- 10:17:34

5 MS. BUSEN: Yeah, it's fine. 10:17:34

6 MS. MILLS: -- for your questioning. 10:17:34

7 MS. BUSEN: We can go off the record. 10:17:36

8 THE VIDEOGRAPHER: Stand by. 10:17:37

9 We're going off the record. The time 10:17:38

10 is 10:17:40. 10:17:40

11 (A recess was taken.) 10:17:42

12 THE VIDEOGRAPHER: We are back on the 10:29:06

13 record. The time is 10:29:10. 10:29:07

14 BY MS. BUSEN: 10:29:13

15 Q Mr. Fineman, why did you choose to live 10:29:17

16 at 3003 Van Ness? 10:29:20

17 A For a number of reasons. The rent at 10:29:25

18 the time seemed reasonable and within my budget, 10:29:28

19 it had good locational convenience, and it met my 10:29:31

20 minimal requirements for an apartment. 10:29:40

21 Q Were you considering other options? 10:29:45

22 A Yes. 10:29:47

1 Q And what were those other options? 10:29:47

2 A Other apartment buildings in the 10:29:51

3 general Cleveland Park/North Cleveland Park area. 10:29:52

4 Q Were any of those other apartment 10:29:58

5 buildings subject to the Rental Housing Act? 10:30:00

6 A Yes. 10:30:02

7 Q Which ones? 10:30:03

8 A Well, for example, Quebec House. 10:30:04

9 Q Earlier, you said that you did not know 10:30:14

10 that 3003 Van Ness was subject to the Rental 10:30:18

11 Housing Act till you signed your lease; is that 10:30:21

12 right? 10:30:23

13 A Correct. 10:30:25

14 Q But you knew about Quebec House? 10:30:26

15 A No. I learned that subsequently. 10:30:30

16 Q When you were searching for apartments, 10:30:33

17 were you aware that any of them were subject to 10:30:34

18 the Rental Housing Act? 10:30:36

19 A I really had no awareness of the Rental 10:30:38

20 Housing Act at that time. 10:30:41

21 Q So when you were searching for 10:30:43

22 apartments, you weren't even familiar with the 10:30:45

1 existence of the Rental Housing Act? 10:30:48

2 A Correct. 10:30:50

3 Q And how important was the amount you 10:30:50

4 would pay each month in making your decision of 10:30:54

5 where to live? 10:30:57

6 A I had a budget in my mind as to how 10:30:59

7 much I could spend on housing and still have 10:31:01

8 enough resources to live to be 90 years old. 10:31:06

9 Q Well, do you agree that it sounds like 10:31:10

10 you're fairly meticulous with your budgeting? 10:31:17

11 A No. 10:31:21

12 Q No, okay. 10:31:22

13 But you had an amount, and you didn't 10:31:23

14 want to go over it; is that accurate? 10:31:25

15 A Correct, correct. 10:31:28

16 Q How did the amount you ended up paying 10:31:30

17 at 3003 Van Ness compare to the amounts at the 10:31:32

18 other options you considered? 10:31:35

19 A Some were higher, and some were lower. 10:31:37

20 Q If you had options that were lower, why 10:31:49

21 did you choose 3003 Van Ness? 10:31:51

22 A Because the -- the apartment met my 10:31:56

1 minimal requirements for where I would live, and 10:31:58

2 it had good locational convenience. 10:32:03

3 Q Do you know if any of the other 10:32:10

4 apartments you considered offered rent 10:32:12

5 concessions? 10:32:14

6 A I do now, yes. 10:32:15

7 Q At the time, did you know that? 10:32:16

8 A No. 10:32:17

9 Q And what were the other apartments that 10:32:18

10 offered rent concessions? 10:32:21

11 A Oh, that offered rent concessions. 10:32:24

12 There's the AVA across the street owned by Avalon. 10:32:26

13 I don't know what they call themselves now. 10:32:33

14 Q And you looked at them when you were 10:32:37

15 considering -- 10:32:39

16 A Yes, I did. 10:32:40

17 Q -- an apartment? 10:32:41

18 And at the time, you did not know that 10:32:42

19 they offered rent concessions? 10:32:43

20 A Correct. 10:32:45

21 Q And this is something you discovered 10:32:45

22 through your involvement in the Tenants 10:32:47

1	Association?	10:32:48
2	A I evolved in my -- my Tenant Petition	10:32:49
3	suit.	10:32:54
4	Q Have you done independent research to	10:32:55
5	identify apartment buildings that offer rent	10:32:57
6	concessions?	10:33:00
7	A Correct.	10:33:01
8	Q How did you do that investigation?	10:33:03
9	A I -- I went to them and got copies of	10:33:05
10	their leases.	10:33:07
11	Q And which apartment buildings did you	10:33:12
12	go to?	10:33:14
13	A I went to Avalon across the street, I	10:33:14
14	went to The Brandywine up the street, I went to	10:33:18
15	Quebec House, and to some others that I can't	10:33:23
16	recall at the moment.	10:33:28
17	Q And each of those places you named	10:33:30
18	offered rent concessions?	10:33:33
19	A No.	10:33:35
20	Q Which ones did?	10:33:35
21	A Avalon did.	10:33:37
22	Q That's the only one?	10:33:38

1 A Right. Of those four, yes. 10:33:40

2 Q Are you aware of any other properties 10:33:46
3 in D.C. besides Avalon and 3003 Van Ness that 10:33:48
4 offer rent concessions? 10:33:51

5 A Yes. Cleveland House; UIP, because I 10:33:55
6 called them and asked them; AVA, I called and 10:34:02
7 asked them, that all their properties that are 10:34:12
8 under rent control in both cases; I think Harrison 10:34:18
9 is a management company, or something like that, 10:34:21
10 that I called. 10:34:23

11 Q And this investigation was all done as 10:34:29
12 you worked on your Tenant Petition? 10:34:30

13 A Correct. 10:34:33

14 MS. BUSEN: Could you mark that as 4? 10:34:41

15 (Defendants' Exhibit 4 was marked for 10:34:43
16 identification and is attached to the transcript.) 10:34:43

17 BY MS. BUSEN: 10:34:51

18 Q Mr. Fineman, I have handed you what the 10:35:00
19 court reporter has marked as Defendants' 10:35:02
20 Exhibit 4. This is a lease that I thought was 10:35:05
21 your first lease. If you flip to the second page, 10:35:13
22 you can see that you executed it on November 25th, 10:35:18

1 2014. 10:35:22

2 Do you know if this is your first lease 10:35:24

3 at 3003 Van Ness? 10:35:26

4 A Definitely not. 10:35:29

5 Q Definitely not. 10:35:29

6 You entered a lease, then, in late 10:35:36

7 2013? 10:35:38

8 A Correct. 10:35:39

9 Q This is the lease that was attached to 10:35:50

10 your Tenant Petition, though, correct? 10:35:51

11 A Correct, because -- yes, that's 10:35:53

12 correct. 10:35:55

13 Q If we look at this document, at the top 10:35:59

14 you see Premises: W-1131 and Resident: Gabriel 10:36:02

15 Fineman. 10:36:07

16 That's your name and your apartment 10:36:08

17 number, correct? 10:36:11

18 A That's correct. 10:36:11

19 Q Okay. And looking at the second page, 10:36:12

20 do you agree that that's your DocuSign signature 10:36:13

21 from November 25th, 2014? 10:36:19

22 A It looks like it -- 10:36:20

1 Q Okay. 10:36:22

2 A -- but, of course, I never signed this 10:36:23

3 particular document. I mean, you sign something 10:36:25

4 electronically, and then they superimposed it on 10:36:29

5 this document. 10:36:33

6 Q Right. That's why it says DocuSigned, 10:36:34

7 correct? You used Doc- -- the DocuSign app to 10:36:38

8 sign the lease? 10:36:42

9 A I used whatever they presented me with, 10:36:43

10 yes. 10:36:45

11 Q Okay. Looking at this lease on the 10:36:46

12 first page in the middle, you see it says Total 10:36:53

13 Monthly Rent: \$3274, correct? 10:36:57

14 A Correct. 10:37:03

15 Q And then underneath it, it says Monthly 10:37:07

16 Apartment Rent \$3114, correct? 10:37:09

17 A Correct. 10:37:16

18 Q And then it has your Monthly Reserved 10:37:17

19 Parking of \$160, correct? 10:37:18

20 A Correct. 10:37:22

21 Q So that Total Monthly Rent is simply 10:37:22

22 the addition of the Monthly Apartment Rent and the 10:37:25

1 Monthly Reserved Parking, right? 10:37:27

2 A That's what it appears to be, yes. 10:37:29

3 Q And then a little bit lower, it says, 10:37:32

4 "Concessions: Monthly Recurring Concession: \$945," 10:37:34

5 correct? 10:37:38

6 A Correct. 10:37:38

7 Q Okay. When -- when you entered your 10:37:39

8 first lease in late 2013, how long did you 10:37:43

9 negotiate the terms? 10:37:48

10 A Well, I was unable to negotiate any 10:37:50

11 terms, because the person I was talking with had 10:37:54

12 no authority or mechanism to change any of the 10:37:57

13 terms -- 10:38:00

14 Q Okay. 10:38:06

15 A -- so I was unable to negotiate the 10:38:06

16 lease. 10:38:08

17 Q And -- 10:38:09

18 A All I could negotiate were the numbers. 10:38:10

19 Q Okay. And did you negotiate the 10:38:13

20 numbers? 10:38:15

21 A I don't think so. 10:38:20

22 Q And who were you having these 10:38:24

1	conversations with?	10:38:27
2	A It was by e-mail.	10:38:27
3	Q Okay. Who were you e-mailing with?	10:38:29
4	A I don't recall.	10:38:31
5	Q Was it a leasing agent?	10:38:32
6	A I don't recall.	10:38:33
7	Q So in these e-mail exchanges, is it	10:38:39
8	fair to say, then, that nothing changed in the	10:38:43
9	contents of the lease?	10:38:46
10	A That's correct.	10:38:47
11	Q Did you carefully review the lease,	10:38:53
12	since it was a legal document, before you signed	10:38:54
13	it?	10:38:58
14	A I did.	10:38:58
15	Q Did you understand the contents of the	10:39:00
16	lease?	10:39:02
17	A I -- I -- at the time, I certainly	10:39:05
18	believed so.	10:39:07
19	Q Did you ask questions about the lease?	10:39:16
20	A Only about the dispar- -- well, are you	10:39:19
21	talking -- which lease are you talking about?	10:39:22
22	Q Let's talk about your first lease.	10:39:24

1 A The first lease. 10:39:25

2 Only about the disparity in the numbers 10:39:27

3 between what was advertised and what was in the 10:39:29

4 lease. 10:39:31

5 Q And what were you told about that 10:39:43

6 disparity? 10:39:45

7 A I was told it was required by rent 10:39:46

8 control. 10:39:48

9 Q And did you accept the statement that 10:39:53

10 it was required by rent control as true? 10:39:56

11 A I had no reason not to. 10:40:00

12 Q Before you signed the lease, did you do 10:40:08

13 any independent research into the Rental Housing 10:40:10

14 Act? 10:40:12

15 A Are you talking about the 2013 lease? 10:40:15

16 Q Your first lease, yes. 10:40:17

17 A No. I didn't even know it existed. 10:40:19

18 Q Okay. But then when you executed that 10:40:21

19 first lease, they gave you information about the 10:40:23

20 Rental Housing Act? 10:40:26

21 A The required disclosures, yes. By that 10:40:27

22 time, of course, I had already sold my house. I 10:40:39

1 had already hired movers. I was committed. 10:40:44

2 Q Now, before you entered this -- we can 10:41:09

3 call this the 2014 lease, which is Exhibit 4. 10:41:13

4 A Yes. 10:41:17

5 Q -- did you receive the RAD notice? 10:41:17

6 A Yes. 10:41:22

7 Q So the RAD notice informed you of the 10:41:27

8 rent increase for the upcoming year, 2014 to 2015, 10:41:30

9 right? 10:41:34

10 A No. 10:41:35

11 Q Why not? 10:41:37

12 A It told me the increase in the -- in 10:41:38

13 the rent ceiling price, but it did not tell me the 10:41:43

14 increase in my unit price that the landlord 10:41:48

15 sought. 10:41:54

16 Instead, what it did was it told me 10:41:55

17 this very high number, over 32 -- over \$3,200 a 10:41:59

18 month, and invited me to start negotiations with 10:42:05

19 the landlord for what my actual rent would be. 10:42:10

20 Q So when you say "unit price," you mean 10:42:13

21 the amount you actually pay? 10:42:15

22 A It did not show me the amount that I 10:42:18

1 would -- that I was currently paying or what I 10:42:21

2 would actually pay after a rental increase. 10:42:24

3 Q It showed you the increase to what is 10:42:28

4 called on here your Monthly Apartment Rent? 10:42:30

5 A Correct, which is the ceiling rent. 10:42:33

6 Q So you received the RAD notice. 10:42:40

7 Did you do anything after receiving it? 10:42:43

8 Did you have any communications with the landlord? 10:42:45

9 A Yes. I communicated with the landlord 10:42:49

10 and asked them what the real price was going to 10:42:51

11 be. 10:42:54

12 Q And what did they tell you? 10:42:55

13 A They told me I was going to get, as I 10:42:57

14 recall, a 2 percent increase in my actual price. 10:43:00

15 Q Meaning the price -- the amount -- your 10:43:06

16 monthly payment amount? 10:43:08

17 A My actual monthly payment, yes. 10:43:10

18 Q So these would have been conversations 10:43:17

19 about what became Defendants' Exhibit 4, your 10:43:18

20 2014-2015 lease? 10:43:22

21 A Yes. So what they did was negotiate 10:43:25

22 the -- or tell me the amount of the concession. 10:43:29

1 Q Did you negotiate with them over the 10:43:34
2 amount of the concession? 10:43:35
3 A I did not. 10:43:37
4 Q You just accepted the amount they 10:43:38
5 offered? 10:43:40
6 A I -- I accepted the amount that they 10:43:40
7 offered. 10:43:43
8 Q Okay. So in November of 2014 when you 10:43:43
9 signed this lease, you understood that the monthly 10:43:49
10 apartment rent was \$3,114 with a monthly recurring 10:43:53
11 concession of \$945? 10:43:58
12 A No, I did not. I did not think that 10:44:00
13 way at all. I thought only about how much I was 10:44:02
14 going to have to pay. 10:44:04
15 Q Okay. 10:44:07
16 A These other numbers I had been told 10:44:09
17 were required by rent control, and they were not 10:44:11
18 meaningful to me. I mean, it could have been 10:44:14
19 \$10,000 more a month. If the concession was 10:44:17
20 \$10,000 more, it wouldn't have affected me. 10:44:21
21 Q But you knew, because you signed it, 10:44:24
22 that a monthly recurring concession was \$945, 10:44:28

1 right? 10:44:31

2 A No. I signed it, but the only thing 10:44:32

3 that I recall that I was interested in was how 10:44:34

4 much I was actually going to have to pay every 10:44:37

5 month and how that fit into my budget for housing. 10:44:40

6 Q Okay. But you -- I understand what 10:44:45

7 you're saying, but you signed the document, and it 10:44:49

8 has that the rent -- the concession is 945. It 10:44:52

9 doesn't have the amount that you were going to -- 10:44:55

10 A I understand that there's a presumption 10:44:57

11 in American law that when you sign a document 10:45:00

12 you -- you've read it, understood it, and agreed 10:45:03

13 with it, but that wasn't the question you asked 10:45:06

14 me. You asked me what I knew at the time or 10:45:09

15 thought at the time -- 10:45:11

16 Q Okay. 10:45:13

17 A -- and at the time what I thought was 10:45:13

18 only that -- about the amount that I was going to 10:45:16

19 have to pay, and these other numbers were not 10:45:19

20 relevant to me. 10:45:22

21 Q Okay. But you did -- so you're saying 10:45:24

22 you did read it, and you know that those 10:45:26

1 numbers -- the rent -- the monthly recurring 10:45:29
2 concession and the monthly apartment rent were in 10:45:30
3 this document, right? 10:45:33
4 A No. I -- I knew that there were 10:45:35
5 numbers in this document, but, from my point of 10:45:38
6 view, the monthly rent was the amount that was 10:45:41
7 actually going to be debited from my account. 10:45:46
8 Q I understand that and I hear you, but 10:45:50
9 I'm asking you, did you read this document before 10:45:52
10 you signed it? 10:45:54
11 A The 2004 [sic], I glanced at it. I was 10:45:57
12 really busy with other things at the time. 10:46:02
13 Q If you flip in Exhibit 4 to the last 10:46:17
14 page, you'll see that there's a page titled 10:46:19
15 Concession Addendum. 10:46:24
16 Do you see that? 10:46:26
17 A Yes, I do. 10:46:27
18 Q Okay. When you signed your lease, did 10:46:27
19 you review this addendum? 10:46:28
20 A When I signed it in 2013? 10:46:30
21 Q Well, I'm asking 2014. 10:46:34
22 A I doubt it. 10:46:36

1 Q Would you have read it in 2013 when you 10:46:37
2 executed your first lease? 10:46:40

3 A Yes. It's my policy to always read 10:46:42
4 documents that I sign. 10:46:44

5 Q When you signed your first lease and 10:46:57
6 you read this Concession Addendum, did you 10:46:59
7 understand it? 10:47:02

8 A Not really, no. 10:47:03

9 Q Did you ask any questions about it? 10:47:04

10 A Yes, I did. 10:47:06

11 Q And what questions did you ask? 10:47:07

12 A I asked why my -- my rent was listed in 10:47:09
13 the lease as much higher than it was -- I was 10:47:12
14 going to have to actually pay. 10:47:15

15 Q And what were you told? 10:47:21

16 A It was required by rent control. 10:47:22

17 Q And I think we already discussed this. 10:47:28
18 You accepted that as true, right? 10:47:31

19 A I had no reason not to. 10:47:33

20 Q When you signed your first lease, did 10:47:44
21 you understand, then, that the language of this 10:47:46
22 Concession Addendum said, "The monthly recurring 10:47:49

1 concession will expire and be of no further force 10:47:52
2 and effect as of the Expiration Date shown on the 10:47:55
3 Term Sheet"?" 10:47:57

4 A I did. 10:47:58

5 Q And when you signed your first lease, 10:48:00
6 did you understand that, consistent with the 10:48:02
7 provisions of the Rental Housing Act of 1985 as 10:48:05
8 amended, Equity reserved the right to increase 10:48:08
9 your rent once each year? 10:48:11

10 A I don't recall that. 10:48:14

11 Q And when you executed your first lease, 10:48:15
12 did you understand that the monthly recurring 10:48:17
13 concession was being given to you as an inducement 10:48:19
14 to enter into the lease? 10:48:23

15 A Oh, no. 10:48:24

16 Q You didn't understand that? 10:48:25

17 A Oh, no. It was being done to lower the 10:48:26
18 actual price that I paid to what was advertised. 10:48:29

19 Q Okay. But you said you read the 10:48:33
20 addendum, so you would have read that language? 10:48:35

21 A Yes. 10:48:38

22 Q And then when you executed your first 10:48:39

1 lease, you understood that by signing the lease, 10:48:41
2 you acknowledged and agreed that you've read and 10:48:43
3 understand the Lease Concessions provision 10:48:46
4 contained in the Terms and Conditions of your 10:48:47
5 lease, right? 10:48:50

6 A Yes, but, on the other hand, it was -- 10:48:52
7 it was an adhesion lease. I mean, you agree to 10:48:54
8 all sorts of leases [sic], whether it's for your 10:48:58
9 telephone service or -- all sorts of things that 10:49:01
10 are adhesion leases where you have no chance of -- 10:49:05
11 of changing it. So either you agree to it, or you 10:49:07
12 don't take the apartment. 10:49:11

13 And at that point, I was committed to 10:49:12
14 taking the apartment. I had no choice. My choice 10:49:13
15 was to move my furniture to storage somewhere and 10:49:17
16 look for another apartment. 10:49:21

17 MS. MILLS: I'm going to object to your 10:49:22
18 questioning of him about the 2013 lease, because 10:49:24
19 you have not presented him with an exhibit showing 10:49:28
20 him what that lease stated. You are trying to use 10:49:32
21 the 2014 lease as the basis for your questioning 10:49:36
22 about what happened in 2013, so I object to you 10:49:40

1	doing that.	10:49:44
2	If you want to ask him about the 2013	10:49:45
3	lease, then you should provide him with a copy of	10:49:48
4	it and ask him about that lease.	10:49:50
5	MS. BUSEN: Are you representing	10:49:52
6	Mr. Fineman?	10:49:54
7	MS. MILLS: No. I am -- I am	10:49:54
8	representing the District of Columbia, and I	10:49:56
9	object.	10:49:57
10	MS. BUSEN: Okay.	10:49:58
11	THE WITNESS: And --	10:49:59
12	MS. BUSEN: And your objection is	10:50:00
13	noted.	10:50:02
14	THE WITNESS: And I object also.	10:50:02
15	BY MS. BUSEN:	10:50:05
16	Q Okay. I think you said earlier the	10:50:06
17	only relevant number to you was the amount that	10:50:07
18	would be debited from your account; is that	10:50:11
19	accurate?	10:50:14
20	A You're talking about the 2014 lease?	10:50:14
21	Q Well, in gen- -- yes, 2014 lease.	10:50:17
22	A That's correct.	10:50:22

1 Q Then why did you ask about the 10:50:23
2 disparity in the numbers? 10:50:24

3 A That was -- I asked only in the 2013 10:50:27
4 lease. 10:50:31

5 Q Okay. And why did you ask about it? 10:50:33

6 A Well, I thought we just said that we 10:50:37
7 were objecting to your asking me questions about 10:50:39
8 the 2013 lease -- 10:50:41

9 Q That's fine. 10:50:42

10 And the -- 10:50:43

11 A -- if I didn't have a copy of it in 10:50:43
12 front of me. 10:50:45

13 Q And the objection is noted, but you can 10:50:46
14 still answer. The record is made. You object. 10:50:49

15 A I -- I've already answered this 10:50:56
16 question. 10:50:58

17 Q So if you only -- at the end of the 10:51:00
18 day, is it accurate to say -- let's set aside the 10:51:04
19 leases. 10:51:08

20 The only number -- when you are renting 10:51:09
21 an apartment, the only number that you, 10:51:12
22 Mr. Fineman, are concerned with is the amount that 10:51:15

1 was going to be debited from your account; is that 10:51:17
2 accurate? 10:51:20
3 A That's correct. 10:51:21
4 Q Okay. So if that's the only number you 10:51:22
5 care about, if there were other numbers in a 10:51:24
6 lease, why would you ask about them? 10:51:26
7 A Because -- I would -- I would -- I ask 10:51:30
8 about things in -- in documents that I sign that 10:51:33
9 don't appear to be consistent with my 10:51:38
10 understanding of the document. 10:51:41
11 Q Then when you signed this Exhibit 4, 10:51:46
12 which is your 2014 lease -- 10:51:49
13 A Correct. 10:51:51
14 Q -- you did not ask questions about the 10:51:52
15 numbers; is that correct? 10:51:53
16 A That's correct. 10:51:54
17 Q Okay. And you said you -- I believe 10:51:55
18 the word was glanced at it before you signed it; 10:51:58
19 is that correct? 10:52:01
20 A Correct. 10:52:01
21 Q So would you have glanced at the 10:52:02
22 Concession Addendum in your 2014 lease? 10:52:04

1 A I don't recall. 10:52:07
2 Q When you first came to 3000 [sic] 10:52:09
3 Van Ness in 20 -- late 2013, did you expect to 10:52:21
4 stay for multiple years? 10:52:24
5 A I did. 10:52:26
6 Q And how did you expect that any 10:52:28
7 increase in your rent would be calculated? 10:52:30
8 A I thought that Equity would follow the 10:52:34
9 policy they have in New York, which is to -- 10:52:38
10 (The reporter clarified the record.) 10:52:45
11 THE WITNESS: -- which is to radically 10:52:46
12 jack up the rent. 10:52:48
13 BY MS. BUSEN: 10:52:49
14 Q Did you say "radically"? 10:52:50
15 A Yes. 10:52:51
16 Q So you moved into 3003 Van Ness with 10:52:53
17 the expectation that Equity would radically jack 10:52:58
18 up the rent? 10:53:01
19 A Well, that their policy was to 10:53:02
20 radically jack up the rent, and I told the leasing 10:53:05
21 agent that if they did that to me, I would move. 10:53:08
22 Q Are you familiar with their policies in 10:53:15

1 New York from your friend's daughter? 10:53:16

2 A Correct. 10:53:18

3 Q And what did the leasing agent tell you 10:53:27

4 in response to that? 10:53:29

5 A "Oh, we would never do that." 10:53:30

6 Q Did anyone at Equity tell you off what 10:53:36

7 particular number your rent would be calculated in 10:53:38

8 future years? 10:53:40

9 A No. 10:53:41

10 Q So why did you decide to stay in the 10:53:48

11 apartment at 3003 Van Ness for the second year? 10:53:49

12 A Because it met my minimal expectations, 10:53:52

13 requirements for an apartment and had good 10:53:57

14 locational convenience. 10:53:59

15 Q And what about the amount you were 10:54:00

16 paying each month? Did that have anything to 10:54:02

17 factor in your decis- -- your decision to stay? 10:54:04

18 A The amount was within the budget that I 10:54:06

19 had set for myself, which is why I didn't argue 10:54:11

20 about it. 10:54:17

21 MS. BUSEN: Are we up to 5? 10:54:48

22 THE REPORTER: Yes. 10:54:52

1	(Defendants' Exhibit 5 was marked for	10:54:52
2	identification and is attached to the transcript.)	10:55:02
3	BY MS. BUSEN:	10:55:02
4	Q Mr. Fineman, the court reporter has	10:55:18
5	handed you what's been marked as Defendants'	10:55:20
6	Exhibit 5. This is the Housing Provider's Notice	10:55:23
7	to Tenants of Adjustment in Rent Charged.	10:55:30
8	Do you see that at the top?	10:55:32
9	A Yes.	10:55:34
10	Q It's dated September 18th, 2015, right?	10:55:34
11	A Yes.	10:55:37
12	Q And it's addressed to you in	10:55:37
13	Apartment W-1131 at 3003 Van Ness, correct?	10:55:39
14	A Yes.	10:55:44
15	Q And on September 18th, 2015, you	10:55:45
16	received this notice, correct?	10:55:49
17	A It's -- that's the date shown on it,	10:55:52
18	yes.	10:55:54
19	Q Okay. But you agree that you received	10:55:54
20	this at some point shortly thereafter?	10:55:56
21	A I -- I believe so.	10:56:00
22	Did you take this from my filings or	10:56:02

1 from the -- from my case? 10:56:08

2 Q This particular document -- 10:56:09

3 A Yes. 10:56:11

4 Q -- was produced in -- in this case, but 10:56:11

5 it's -- 10:56:14

6 A I -- I -- I don't know. I assume that 10:56:15

7 what you say is correct. 10:56:18

8 Q Okay. And if you look at it, it says 10:56:19

9 that your current rent charged is \$3,114, right? 10:56:25

10 A Correct. 10:56:29

11 Q And it shows that the dollar adjustment 10:56:34

12 in your rent charged is \$47, right? 10:56:37

13 A Correct. 10:56:40

14 Q And then it does the math to show you 10:56:40

15 that the percentage adjustment in your rent 10:56:42

16 charged is 1.5 percent, right? 10:56:44

17 A Well, I wouldn't say it works that way. 10:56:47

18 I'd say it's the opposite, that the percentage 10:56:51

19 adjustment was determined by statute and then 10:56:55

20 applied to the line that says "Your current rent 10:57:02

21 charged" to come up with the \$47. 10:57:06

22 Q Okay. Well, these three lines are 10:57:08

1 simply a function of math; would you agree with 10:57:11
2 that? Whether you multiply or divide, you get the 10:57:13
3 same numbers? 10:57:16
4 A Correct, if -- 10:57:17
5 Q Okay. 10:57:18
6 A -- if the "current rent charged" amount 10:57:18
7 is correct. 10:57:20
8 Q Okay. And if you look at the "Your new 10:57:20
9 rent charged" line, that is simply adding 3,114 10:57:26
10 and 47 to get 3,161, right? 10:57:31
11 A That's correct. 10:57:34
12 Q When you received this notice, what did 10:57:41
13 you do? 10:57:45
14 A I don't recall. I don't recall. 10:57:54
15 Q Okay. Did you talk to someone at 10:57:58
16 Equity about the contents of this notice? 10:58:04
17 A Yes. I -- I -- I -- I tried to 10:58:10
18 ascertain what my actual rent would be. 10:58:14
19 Q And how did you do that? 10:58:19
20 A I don't recall. 10:58:21
21 Q You -- after you received this, you 10:58:27
22 eventually signed a renewal lease, correct? 10:58:29

1	A	Correct.	10:58:32
2	Q	When you received this notice, you	10:58:37
3		reviewed it, correct?	10:58:42
4	A	I suppose so, yes.	10:58:45
5	Q	And would you consider a \$47 increase	10:58:47
6		to be a radical jack-up in your rent?	10:58:50
7	A	No, although, in retrospect, it's	10:58:55
8		improperly computed.	10:58:58
9	Q	How so?	10:59:02
10	A	It's computed on this high number --	10:59:02
11		rent ceiling number, rather than being computed on	10:59:06
12		my actual rent.	10:59:10
13	Q	If you look back at Defendants'	10:59:15
14		Exhibit 4 --	10:59:17
15	A	Yes.	10:59:18
16	Q	-- which is the lease for 2014	10:59:18
17		to '15 --	10:59:21
18	A	Yes.	10:59:23
19	Q	-- the monthly apartment rent is listed	10:59:23
20		as 3,114, right?	10:59:25
21	A	Correct.	10:59:28
22	Q	And that's the same number as "Your	10:59:29

1 current rent charged" on this notice, right? 10:59:31

2 A That's correct, but it wasn't the 10:59:33

3 current rent charged. I mean, that number -- 10:59:35

4 there's no definition of "current rent charged" in 10:59:38

5 this lease. The term never appears in the lease. 10:59:41

6 Q Okay. 10:59:51

7 A I mean, I don't want to re-fight the 10:59:51

8 whole Rental Housing Act case I had, but that's 10:59:53

9 the way it is. 10:59:58

10 Q So after receiving this, you then 11:00:01

11 executed a new lease. 11:00:06

12 MS. BUSEN: Would you please mark this 11:00:12

13 as Exhibit 6? 11:00:14

14 (Defendants' Exhibit 6 was marked for 11:00:15

15 identification and is attached to the transcript.) 11:00:15

16 BY MS. BUSEN: 11:00:25

17 Q All right. So Exhibit 6 is a 11:00:33

18 Residential Lease - Term Sheet for 3003 Van Ness, 11:00:36

19 Apartment W-1131. 11:00:40

20 And if you look at the second page, it 11:00:44

21 was executed through DocuSign by Gabriel Fineman 11:00:46

22 on October 21st, 2015; is that right? 11:00:50

1	A	That's what it says, yes.	11:00:54
2	Q	Okay. So this is your lease for the	11:00:56
3		years 2015 going into 2016, right?	11:01:00
4	A	It appears to be, yes.	11:01:02
5	Q	Okay. So this would have been your	11:01:03
6		third lease at 3003 Van Ness, correct?	11:01:04
7	A	Correct.	11:01:07
8	Q	And if you look in the middle of the	11:01:09
9		page, you see Monthly Apartment Rent \$3161, right?	11:01:11
10	A	That's what it says.	11:01:16
11	Q	And that's the same number that was on	11:01:17
12		the RAD notice you received, right?	11:01:18
13	A	That's correct.	11:01:22
14	Q	And then underneath your Monthly	11:01:25
15		Apartment Rent, it says Monthly Reserved Parking	11:01:27
16		160, correct?	11:01:30
17	A	That's correct.	11:01:32
18	Q	And then those two numbers added	11:01:32
19		together, are -- is 3,321, which is listed as your	11:01:34
20		Total Monthly Rent, correct?	11:01:38
21	A	That is correct. That's what it says.	11:01:40
22	Q	And then a little bit below, it says,	11:01:41

1	"Concessions: Monthly Recurring Concession: \$946	11:01:43
2	per month," right?	11:01:48
3	A Correct.	11:01:50
4	Q You -- based on that RAD notice, you	11:01:50
5	filed a claim against Equity, right?	11:02:02
6	A Correct.	11:02:04
7	Q And you thought the increase for your	11:02:05
8	renewal was too high, right?	11:02:06
9	A That's not what my case was about.	11:02:10
10	Q Did you --	11:02:13
11	A My case was about the fact that I never	11:02:14
12	received proper notice.	11:02:17
13	Q Did you think the increase was too	11:02:19
14	high --	11:02:21
15	A I --	11:02:22
16	Q -- the \$47?	11:02:23
17	A I can't comment on that.	11:02:25
18	Q So you had no opinion one way or the	11:02:30
19	other if --	11:02:32
20	A I didn't know what was happening in the	11:02:33
21	market at that time, whether that was a fair	11:02:34
22	market rent or not.	11:02:36

1	Q	Okay. But that's not what my question	11:02:37
2		is.	11:02:39
3		My question is: Did you think \$47 was	11:02:39
4		too high?	11:02:43
5	A	Too high for what?	11:02:44
6	Q	Too much of an increase.	11:02:45
7	A	Too much of an increase for what?	11:02:47
8	Q	For your rent.	11:02:48
9	A	I don't understand what you're saying.	11:02:50
10		Are you saying that I thought that the new rent	11:02:51
11		was higher than what I should be paying, or are	11:02:53
12		you saying that it was not affordable to me?	11:02:56
13	Q	I'm asking if you thought it was too	11:02:59
14		high for you to pay.	11:03:01
15	A	No. I just sold a house. It wasn't	11:03:04
16		too high for me to pay. I had a lot of money in	11:03:07
17		the bank.	11:03:14
18	Q	Now, when you signed your lease, the	11:03:23
19		third lease, on October 21st, 2015, did you review	11:03:25
20		it before signing it?	11:03:29
21	A	I -- I don't recall.	11:03:30
22	Q	Is it your practice to sign legal	11:03:37

1 documents without reviewing them? 11:03:40

2 A I don't even recall signing it. 11:03:43

3 There's a DocuSign signature there, but I don't 11:03:45

4 even recall signing it. And in the case of 11:03:47

5 adhesion leases, I rarely review them more than 11:03:50

6 once. There's no point to it. 11:03:54

7 Q And you would agree that the monthly 11:03:59

8 apartment rate listed on here of 3,161 was a \$47 11:04:02

9 increase from your previous lease's monthly 11:04:06

10 apartment rent as listed on the document? 11:04:10

11 A It -- it was an increase in the ceiling 11:04:15

12 rent that was listed on the -- on the apartment. 11:04:20

13 Q Prior to signing this October 21st, 11:04:28

14 2015 lease, you understood that any future renewal 11:04:30

15 increases would be calculating using the monthly 11:04:36

16 apartment rent that's reflected on your 11:04:39

17 October 2015 -- 11:04:42

18 A I don't recall that, no. 11:04:43

19 Q You don't recall that? 11:04:44

20 A No. 11:04:45

21 Q Okay. You've got to let me finish, 11:04:45

22 just because it makes it difficult for her. 11:04:47

1	A	Okay.	11:04:49
2	Q	Was the increase from your 2014 to 2015	11:04:59
3		lease more than the law permitted?	11:05:04
4	A	Oh, yes, but that's a completely	11:05:07
5		different issue. That goes into the rental	11:05:09
6		housing case.	11:05:13
7	Q	I understand. We're -- there's not	11:05:15
8		issue -- we're not focusing on specific issues	11:05:18
9		here. It's a deposition to discuss any of the	11:05:21
10		questions I have to ask you.	11:05:24
11	A	Go ahead.	11:05:26
12		MS. BUSEN: Could you please mark this	11:06:02
13		as 7.	11:06:04
14		(Defendants' Exhibit 7 was marked for	11:06:04
15		identification and is attached to the transcript.)	11:06:05
16		BY MS. BUSEN:	11:06:05
17	Q	So, Mr. Fineman, you said that you did	11:06:14
18		not recall if you understood that the future	11:06:21
19		renewal increases would be based on the monthly	11:06:27
20		apartment rent, right? That's how -- you just	11:06:29
21		testified to that?	11:06:32
22	A	Correct.	11:06:33

1 Q So we've handed you -- or the court 11:06:34
2 reporter has handed you what's been marked as 11:06:35
3 Defendants' Exhibit 7. This is an e-mail chain 11:06:38
4 that's Bates numbered EQR_VN_2838 through 11:06:43
5 39 [sic]. It's from Gabe Fineman to Avis Duvall 11:06:47
6 and Harry Gural, and it's dated October 20th, 11:06:54
7 2015. 11:06:57
8 Do you see that? 11:06:58
9 A Yes. 11:06:59
10 Q Okay. And the subject is, "Rent 11:06:59
11 Increase W1131." 11:07:01
12 And that's your apartment number? 11:07:04
13 A Yes. 11:07:05
14 Q Have you had a chance -- do you want to 11:07:08
15 read it? 11:07:09
16 A I glanced through it. That's all. 11:07:10
17 Q All right. So on October 20th, 2015, 11:07:11
18 which would have been a day before you signed your 11:07:17
19 third lease, right? 11:07:22
20 A Yes. 11:07:23
21 Q All right. You -- who is Avis Duvall? 11:07:25
22 A Avis Duvall was the manager of 3003. 11:07:29

1 Q Okay. And then we've talked about 11:07:34
2 Mr. Gural. 11:07:35
3 He was a fellow resident, correct? 11:07:36
4 A Correct. 11:07:38
5 Q Okay. And you wrote to them, It 11:07:39
6 appears that Equity will do nothing about 11:07:40
7 complying with the DC Code's definition of "rent" 11:07:42
8 but is introducing a new term of "market rent" 11:07:46
9 that is evident -- evidently Equity's valuation of 11:07:49
10 the fair market value of the actual rent for the 11:07:49
11 apartment. My understanding is that the "market 11:07:52
12 rent" is what I will be asked to pay each month 11:07:54
13 for the next year and what Equity will collect and 11:07:56
14 apply to my account in satisfaction of the lease's 11:07:59
15 financial obligations. I assume that next year, 11:08:02
16 Equity will not use that amount as my "rent" for 11:08:04
17 rent control purposes, but will again use an 11:08:08
18 amount almost a thousand dollars above the actual 11:08:11
19 rent paid. 11:08:14
20 Did I read that accurately? 11:08:15
21 A That's correct. 11:08:17
22 Q Okay. Do you remember writing this 11:08:18

1 e-mail? 11:08:19

2 A Vaguely, yes. 11:08:19

3 Q Okay. So at this point on 11:08:21

4 October 20th, 2015, you understood that future 11:08:22

5 rent increases would be calculated off what you 11:08:25

6 call the amount that's almost a thousand above the 11:08:27

7 actual rent paid, right? 11:08:30

8 A I -- I believe that Equity intended at 11:08:31

9 that time, the time I wrote this, to continue its 11:08:35

10 practice of using the rent ceiling number instead 11:08:39

11 of the actual rent paid. 11:08:42

12 Q Okay. And by "rent ceiling number," 11:08:44

13 you mean this Monthly Apartment Rent listed on 11:08:46

14 Exhibit 6 of 3161? 11:08:49

15 A Correct. 11:08:51

16 Q You've mentioned it, but you filed a 11:09:07

17 rent petition against Equity that complained that 11:09:10

18 the increase in your renewal rent was calculated 11:09:13

19 using the monthly apartment rent, right? 11:09:16

20 A Was calculated using this higher 11:09:21

21 number, you know, which I keep calling the ceiling 11:09:24

22 rent, because Rent Control Associates, which seems 11:09:29

1 to be providing this number to Equity, has always 11:09:35
2 been tracking the ceiling rent -- the ceiling rent 11:09:40
3 adjustments. 11:09:43

4 Q That number, however, on the lease is 11:09:45
5 called Monthly Apartment Rent? 11:09:46

6 A That's right. You call it Monthly 11:09:48
7 Apartment Rent. 11:09:50

8 Q Okay. And can you explain how you were 11:09:51
9 harmed by the calculation using your monthly 11:09:57
10 apartment rent? 11:10:02

11 A Well, by using the higher number of the 11:10:04
12 ceiling rent and applying 1.5 percent to it, they 11:10:07
13 came up with a higher number than they would have 11:10:11
14 come up with if they applied 1.5 percent to my 11:10:13
15 actual rent, which was only about two-thirds of 11:10:17
16 this other rent, this higher number. So the -- 11:10:21
17 the number was approximately one-third high- -- or 11:10:25
18 50 percent higher than what it would have been 11:10:29
19 otherwise if they had properly calculated it. 11:10:31

20 Q So have you done the math to figure out 11:10:44
21 what the dollar difference would be? 11:10:49

22 A I may have at one time. 11:10:51

1 Q But you don't know now? 11:10:53

2 A I don't know now, but it's really easy 11:10:54
3 to do, because my rent was approximately \$2,000 a 11:10:56
4 month, and the ceiling rent listed, you know, 11:10:59
5 which you computed this, was roughly \$3,000 a 11:11:05
6 month, so it's -- the ceiling rent is 50 percent 11:11:08
7 higher, so any adjustment based on the ceiling 11:11:12
8 rent would have been 50 percent higher. It -- you 11:11:15
9 don't have to be a math major to figure that out. 11:11:22

10 Q If you could look back at the e-mail 11:11:25
11 that was marked as Exhibit 7. 11:11:26

12 A Yes. 11:11:29

13 Q If you flip to the second page that 11:11:30
14 ends in Bates number 2839. 11:11:31

15 A Yes. 11:11:33

16 Q Okay. You'll see in the middle of the 11:11:34
17 page on October 15th, 2015 -- 11:11:37

18 A Yes. 11:11:40

19 Q -- you wrote this e-mail, right? 11:11:40

20 A Yes. 11:11:43

21 Q Okay. And you see the second full 11:11:44
22 paragraph, it says, "Because I am over 65 years 11:11:46

1 old, my rent increase is limited this year to 1.5% 11:11:50
2 by the DC Code. Percentage wise, your proposal is 11:11:54
3 an increase of 2.121 percent while the DC code 11:11:56
4 provides for only an increase of 1.5 percent this 11:12:01
5 year or \$32.53 per month." 11:12:03

6 Do you see that? 11:12:07

7 A Yes I do. 11:12:07

8 Q So the actual increase was \$47, right? 11:12:09

9 A Well, the actual -- the increase in my 11:12:12
10 actual rent was \$47. 11:12:18

11 Q Right. 11:12:22

12 And you're saying here that the 11:12:22
13 increase should be \$32.53, right? 11:12:23

14 A That's correct. 11:12:28

15 MS. BUSEN: Why don't we take a break, 11:12:29
16 because she needs to switch the tapes. 11:12:31

17 THE VIDEOGRAPHER: Stand by. 11:12:33

18 This marks the end of Tape Number 1 in 11:12:42
19 the deposition of Gabriel Fine- -- Fine- -- 11:12:45
20 Fineman. We are off the record at 11:12:50. 11:12:50

21 (A recess was taken.) 11:12:55

22 THE VIDEOGRAPHER: Here begins Tape 11:26:46

1 Number 2 in the deposition of Gabriel Fineman. We 11:26:48
2 are back on the record at 11:26:55. 11:26:52
3 MS. BUSEN: Could you please mark this 11:26:56
4 as Exhibit Number 8? 11:26:57
5 (Defendants' Exhibit 8 was marked for 11:26:59
6 identification and is attached to the transcript.) 11:26:59
7 BY MS. BUSEN: 11:27:09
8 Q Mr. Fineman, you've been handed 11:27:10
9 Defendants' Exhibit Number 8. This is the first 11:27:13
10 lease you entered into -- 11:27:18
11 A Good. 11:27:20
12 Q -- at 3003 Van Ness for 11:27:21
13 Apartment W-1131. 11:27:22
14 Do you see all that at the top? 11:27:26
15 A Yes, I do. 11:27:28
16 Q And then it says, Resident: Gabriel 11:27:28
17 Fineman. 11:27:30
18 And then on page 2, there is a DocuSign 11:27:31
19 for December 17th, 2013. 11:27:35
20 Do you see that? 11:27:37
21 A Yes, I do. 11:27:39
22 Q And now is this the first lease you 11:27:39

1 entered into at 3003 Van Ness? 11:27:41

2 A I presume so. 11:27:44

3 Q Okay. And if we look at this quickly 11:27:45

4 to clean up the questions from earlier, you'll 11:27:47

5 see -- 11:27:52

6 A You know, it's -- it's -- it's 11:27:53

7 interesting that the signature appears to be 11:27:53

8 identical to the one on the 2014 lease, as though 11:27:55

9 I never signed it again. 11:27:59

10 Q That's DocuSign, I guess. 11:28:00

11 Okay. So if you look in the middle, it 11:28:05

12 says the Lease Term Commencement Date is 11:28:08

13 December 22nd, 2013, and it expired December 21, 11:28:09

14 2014. 11:28:12

15 Do you see that? 11:28:13

16 A Correct. 11:28:14

17 Q Okay. And then it lists -- you made a 11:28:14

18 deposit of \$200, right? 11:28:16

19 A Correct. 11:28:18

20 Q And your total monthly rent is listed 11:28:19

21 as \$3,231, right? 11:28:23

22 A Correct. 11:28:27

1 Q And your monthly apartment rent is 11:28:27
2 listed at 3,000 -- \$3,071 correct? 11:28:29
3 A Correct. 11:28:34
4 I never got the deposit back. 11:28:35
5 Q And your parking is \$160, correct? 11:28:37
6 A Correct. 11:28:40
7 Q And then your monthly recurring 11:28:41
8 concession was \$932, correct? 11:28:42
9 A That's what it says. 11:28:46
10 Q Okay. And then if you -- these are not 11:28:47
11 numbered well, so I think it's the 19th page, if 11:28:50
12 you just count. They're not numbered, 11:29:07
13 unfortunately. 11:29:10
14 A I have no idea. Go ahead. 11:29:11
15 Q It's titled Concession Addendum. 11:29:13
16 A Yes, I'm there. 11:29:15
17 Q Do you see that? 11:29:16
18 A Yes. 11:29:16
19 Q And earlier you testified that before 11:29:17
20 you executed this initial lease in 2013 that you 11:29:20
21 carefully read it, correct? 11:29:25
22 A I read it, yes. 11:29:27

1	Q	Okay. And you also would have read,	11:29:28
2		then, the Concession Addendum, right?	11:29:31
3	A	Correct.	11:29:34
4	Q	And did you ask any questions about it	11:29:34
5		in 2013?	11:29:36
6	A	You asked that before. The answer was	11:29:37
7		yes.	11:29:39
8	Q	I asked it before, but you guys	11:29:39
9		objected, so we're clarifying now that we're	11:29:41
10		talking about this document.	11:29:43
11	A	I see.	11:29:45
12	Q	If you look -- I think it's the seventh	11:30:06
13		page, but it says Page 5 of 5 on the bottom.	11:30:12
14	A	Yes, yes.	11:30:20
15	Q	Are you there?	11:30:21
16	A	Yes, I am.	11:30:22
17	Q	Okay. And do you see paragraph 35,	11:30:22
18		which is titled Written Agreement?	11:30:25
19	A	Yes, I do.	11:30:28
20	Q	Okay. And do you see the last sentence	11:30:29
21		there? It says, "We both acknowledge that there	11:30:30
22		are no oral understandings between us, and neither	11:30:33

1 of us have relied on any representations, express 11:30:36
2 or implied, that are not contained in this Lease." 11:30:38
3 Do you see that? 11:30:40
4 A I do see that. 11:30:41
5 Q And did you understand that provision 11:30:42
6 when you executed this lease? 11:30:44
7 A It's a standard clause, yes. 11:30:45
8 Q Okay. But you read it and you signed 11:30:47
9 it, correct? 11:30:48
10 A I did sign it, although, again, this 11:30:49
11 was an adhesion lease, and neither I nor the 11:30:52
12 rental agent had any mechanism for changing it. 11:30:56
13 She would not print out a copy of the lease for me 11:31:04
14 to mark up. She said she was not allowed to do 11:31:06
15 that. 11:31:11
16 Q Okay. But you reviewed the lease? You 11:31:11
17 testified that you did? 11:31:14
18 A Correct. 11:31:15
19 Q And when you -- before you signed this 11:31:39
20 2013 lease, that's when you had the conversation 11:31:43
21 with the leasing agent where you said if they 11:31:48
22 radically jacked up your rent you would leave, 11:31:50

1 right? 11:31:52

2 A Correct. 11:31:53

3 Q When your third lease expired, you 11:32:06

4 moved out of 3003 Van Ness, right? 11:32:07

5 A Correct. 11:32:14

6 Q And why did you decide to leave? 11:32:15

7 A There were a number of factors. 11:32:21

8 Q What are those factors? 11:32:27

9 A So one was constant harassment and 11:32:29

10 problems of dealing with these rental renewals 11:32:34

11 each year, when, in fact, I should not have -- 11:32:39

12 under the Rental Housing Act, should not have had 11:32:45

13 to actually renew my -- my lease at all, because 11:32:48

14 you can't be evicted simply because the lease term 11:32:51

15 has expired in D.C. By then, I knew my rights and 11:32:56

16 I had read the Rental Housing Act and knew about 11:33:00

17 the Rental Housing Act. 11:33:03

18 Second thing was that I've -- my friend 11:33:05

19 had found an apartment for me in another building 11:33:11

20 which had -- first, was radically better 11:33:18

21 maintained. Equity, while I was there, cut their 11:33:22

22 maintenance staff almost in half, and the other 11:33:26

1 building was radically better maintained, it was 11:33:29
2 lower in price, it was next to a subway stop, and 11:33:31
3 very close to a Whole Foods and a Giant and had 11:33:37
4 locational convenience for me, and it was less 11:33:42
5 money. 11:33:46

6 Q Is that the apartment in Chevy Chase 11:33:48
7 that you currently -- 11:33:49

8 A Correct. 11:33:50

9 Q -- reside in? 11:33:50

10 A Correct. 11:33:52

11 Q Were there any other factors into 11:33:52
12 the -- 11:33:55

13 A Well, there was the constant hassling 11:33:56
14 with the -- with the rental people, you know, with 11:33:59
15 the management. At one point, they threatened to 11:34:03
16 call the police on me for handing out leaflets for 11:34:09
17 the tenant association, which is clearly illegal 11:34:14
18 under D.C. law, but I had a copy of the law, you 11:34:18
19 know, to show to them. 11:34:23

20 Q A few times today in your testimony, 11:34:28
21 you've used the phrase "bait and switch," right? 11:34:30

22 A Correct. 11:34:34

1	Q	And where did you come up with that	11:34:35
2		term?	11:34:38
3	A	That is a common term.	11:34:41
4	Q	Did -- did someone else at	11:34:44
5		3003 Van Ness use it to describe the rental	11:34:45
6		practices, or did -- is that a term you used on	11:34:48
7		your own?	11:34:52
8	A	I don't recall, but it certainly is	11:34:53
9		descriptive.	11:34:55
10	Q	What is the bait?	11:34:57
11	A	The bait is the advertised rent.	11:34:58
12	Q	And what is the switch?	11:35:14
13	A	The switch is when after you're	11:35:15
14		committed to move and you basically have no	11:35:17
15		practical alternatives that they suddenly throw at	11:35:21
16		you this rent ceiling number as -- and report that	11:35:25
17		it's your actual rent when it's -- it's not your	11:35:30
18		actual rent.	11:35:35
19	Q	Would you agree that you were baited?	11:35:36
20	A	Correct.	11:35:39
21	Q	But your penant -- penant? Your Tenant	11:35:41
22		Petition does not address the bait and switch,	11:35:43

1 right? Your Tenant Petition is about the notice? 11:35:47

2 A Is solely about the notice, and that 11:35:50

3 was a decision that I made when I filed the Tenant 11:35:52

4 Petition to give it a very, very narrow focus so 11:35:55

5 that that particular issue could not be ignored. 11:36:01

6 Q When did you first think Equity was 11:36:34

7 violating the law? 11:36:37

8 A When I sent my -- shortly before I sent 11:36:42

9 my first notice to Equity that their notices were 11:36:46

10 incorrect and asking them to change them. 11:36:50

11 Q So that -- that was in 2015, correct? 11:36:55

12 A This notice you just showed me, yes. 11:37:02

13 Q It's 2015, right? 11:37:05

14 A Okay. 11:37:07

15 Q Had you done legal research before you 11:37:12

16 sent your notice to Equity complaining about the 11:37:15

17 RAD notice? 11:37:19

18 A Definitely. 11:37:19

19 Q Did you talk to people before you sent 11:37:28

20 the notice to Equity? 11:37:30

21 A About my sending the notice? 11:37:33

22 Q Yeah, about the contents -- about your 11:37:35

1	complaint with the notice.	11:37:37
2	A I may have.	11:37:39
3	Q Who would you have talked to?	11:37:41
4	A Probably Harry.	11:37:43
5	Q Anyone else on the board or in the	11:37:45
6	association?	11:37:47
7	A I don't recall.	11:37:48
8	Q Okay. Was your notice to Equity the	11:37:49
9	first time you informed Equity of your complaint?	11:37:54
10	A Of my complaint about their notice,	11:38:00
11	yes.	11:38:02
12	Q So you didn't send any notice about	11:38:03
13	your prior year's RAD notice?	11:38:06
14	A No, not that I recall.	11:38:09
15	Q You received the RAD notice in	11:38:23
16	October -- September, October of 2015, right? It	11:38:29
17	was the fall of 2015?	11:38:32
18	A That's correct.	11:38:34
19	Q Okay. And then you filed your Tenant	11:38:35
20	Petition in July of 2016?	11:38:36
21	A That's correct.	11:38:40
22	Q Okay. What did you do in -- in that	11:38:41

1 period to prepare for your Tenant Petition? 11:38:44

2 A I -- I don't recall. I read more of 11:38:52

3 the law. 11:38:54

4 Q And the Tenant Petition is basically 11:38:59

5 just a form, right? 11:39:01

6 A The Tenant Petition that I submitted 11:39:05

7 was on a form provided by the rental housing 11:39:08

8 authority, yes. 11:39:14

9 Q Let's look at that. 11:39:19

10 MS. BUSEN: Is this 9? 11:39:26

11 THE REPORTER: Uh-huh. 11:39:29

12 MR. TAN: Yes. 11:39:31

13 (Defendants' Exhibit 9 was marked for 11:39:33

14 identification and is attached to the transcript.) 11:39:33

15 THE WITNESS: Are we going to go 11:39:42

16 through my whole case? 11:39:43

17 BY MS. BUSEN: 11:39:45

18 Q No. 11:39:45

19 A Good. 11:39:47

20 Q Okay. The court reporter has handed 11:39:47

21 you what's been marked as Exhibit 9. If you look 11:39:49

22 at the top, it says Tenant Petition/Complaint, and 11:39:56

1	it says that the RAD Date Stamp Received was	11:39:59
2	July 12th, 2016.	11:40:02
3	Do you see that?	11:40:04
4	A Yes, I do.	11:40:04
5	Q And do you recall that as being the day	11:40:05
6	you filed your Tenant Petition?	11:40:07
7	A Approximately.	11:40:09
8	Q Okay. And if you look under Part 1, in	11:40:09
9	the middle, it says, Name of tenant, Gabriel	11:40:11
10	Fineman, correct?	11:40:13
11	A Correct.	11:40:14
12	Q And then underneath that, it lists	11:40:15
13	3003 Van Ness Street and Unit W-1131, right?	11:40:17
14	A Correct.	11:40:21
15	Q If you flip to Page 4 of 4, the copy is	11:40:25
16	a little faint, but you see Signature of Tenant.	11:40:32
17	Is that your signature?	11:40:35
18	A It -- it appears to be, yes.	11:40:36
19	Q Okay. And it's dated July 12th, 2016,	11:40:38
20	right?	11:40:41
21	A Correct.	11:40:42
22	Q If you look at the second page, Page 2	11:40:42

1 of 4, in the bottom third, it says, Part 4 - 11:40:45
2 Tenant Complaint, right? 11:40:48
3 A Correct. 11:40:51
4 Q And then it says, I/We believe that the 11:40:51
5 following violation(s) of the Rental Housing Act 11:40:54
6 of 1985, as amended, (the Act) at D.C. OFFICIAL 11:40:57
7 CODE 42-3501.01 has/have occurred (check below). 11:41:02
8 A Correct. 11:41:09
9 Q And then you checked D, which says, 11:41:09
10 "The Housing Provider did not file the correct 11:41:12
11 rent increase forms with the RAD, (RAD Form 9)," 11:41:16
12 right? 11:41:20
13 A Correct. 11:41:21
14 Q And you also checked I, "Improper 11:41:21
15 notice of RAD form 8 to tenant (Notice in 11:41:23
16 adjustment of rent charged)," right? 11:41:26
17 A Correct. 11:41:30
18 Q You did not check any of the other 11:41:31
19 boxes under Rent Increase, correct? 11:41:33
20 A I thought I -- oh, I see. That's 11:41:40
21 correct. 11:41:46
22 Q In fact, you didn't check anything 11:41:47

1 under any of these subheadings except for D and I 11:41:49
2 that I just read, right? 11:41:53
3 A Except for the notice ones, yes. 11:41:54
4 MS. BUSEN: 10, please. 11:42:12
5 (Defendants' Exhibit 10 was marked for 11:42:13
6 identification and is attached to the transcript.) 11:42:14
7 BY MS. BUSEN: 11:42:22
8 Q Mr. Fineman, the court reporter has 11:42:24
9 handed you Defendants' Exhibit 10, which is the 11:42:25
10 original Complaint filed by D.C. in this case. 11:42:29
11 A Okay. 11:42:34
12 Q Before today, had you reviewed this 11:42:35
13 Complaint? 11:42:38
14 A No. 11:42:38
15 Q Did you have any input into the 11:42:43
16 drafting of the Complaint prior to D.C. filing it? 11:42:44
17 A No. 11:42:48
18 Q After this Complaint was filed in 11:42:51
19 December of 2017, did you provide any comments to 11:42:53
20 the District of Columbia? 11:42:56
21 A No. Not on this, no. 11:42:57
22 Q Did you have any discussions with 11:43:02

1 anyone at the Office of the Attorney General after 11:43:05
2 the filing of this Complaint? 11:43:08
3 A I don't believe so, no. 11:43:11
4 MS. BUSEN: 11. 11:43:11
5 (Defendants' Exhibit 11 was marked for 11:43:43
6 identification and is attached to the transcript.) 11:43:43
7 BY MS. BUSEN: 11:43:43
8 Q The court reporter has handed you 11:43:46
9 Defendants' Exhibit 11, which is the First Amended 11:43:48
10 Complaint for Injunctive and Other Relief that was 11:43:50
11 filed by the District of Columbia on 11:43:55
12 February 14th, 2018. 11:43:57
13 Have you reviewed the First Amended 11:44:01
14 Complaint prior to today? 11:44:02
15 A No. 11:44:04
16 Q Did you have any input into the 11:44:07
17 drafting of the First Amended Complaint prior to 11:44:09
18 D.C. filing it? 11:44:11
19 A No. 11:44:12
20 Q After February 2018 when this was 11:44:14
21 filed, did you provide any comments to the 11:44:17
22 District of Columbia about the contents of this 11:44:19

1 First Amended Complaint? 11:44:22

2 A No. 11:44:23

3 Q After February -- after February 14th, 11:44:25

4 2018 when this was filed, did you have any 11:44:31

5 discussions with anyone at the Office of the 11:44:33

6 Attorney General about the contents of the First 11:44:34

7 Amended Complaint? 11:44:37

8 A No. 11:44:38

9 Q All right. Can you please look at 11:44:44

10 paragraph 33? It's on page 10. If you want to 11:44:47

11 read it, I will give you a minute. And I'm going 11:45:03

12 to ask you about 33 and 34 if you want to read 11:45:20

13 them both. 11:45:23

14 A Okay. 11:45:54

15 Q You've read it, okay. 11:45:55

16 Looking at paragraph 33, the District 11:45:56

17 alleges certain misrepresentations of material 11:45:59

18 fact that have a tendency to mislead consumers and 11:46:02

19 are unlawful trade practices that violate the 11:46:05

20 CPPA. 11:46:09

21 Do you see that? 11:46:10

22 A Yes, I do. 11:46:10

1 Q Okay. And then looking at 11:46:11
2 paragraph 34, the District alleges failures by 11:46:12
3 Equity to disclose material facts, and the 11:46:16
4 District alleges that those omissions have a 11:46:18
5 tendency to mislead consumers and are unlawful 11:46:20
6 trade practices that violate the CPPA. 11:46:23
7 Do you see that? 11:46:26
8 A I do. 11:46:26
9 Q Did anyone at Equity tell you in words 11:46:27
10 or in written communication that the rental amount 11:46:31
11 offered in its advertisements would be stable and 11:46:35
12 not likely to increase significantly because the 11:46:37
13 property was rent control? 11:46:39
14 A Yes. The leasing agent said that they 11:46:44
15 don't jack up the rents, that they wouldn't do 11:46:46
16 that to me, not to worry about it. 11:46:48
17 Q And that was in the meeting before you 11:47:05
18 executed your first lease, right? 11:47:08
19 A Correct. 11:47:10
20 Q Mr. Fineman, did anyone at Equity tell 11:47:47
21 you either in person or in e-mail communications 11:47:50
22 that rent increases are lawfully computed based on 11:47:53

1 the higher true rent amounts that do not include 11:47:57
2 concessions? 11:48:00
3 MS. MILLS: I'm going to object, 11:48:01
4 because you have not asked Mr. Fineman to review 11:48:02
5 the definition of "true rent" that is set forth in 11:48:05
6 paragraph 4 of the District's First Amended 11:48:09
7 Complaint. It's in quotation marks, and he may or 11:48:12
8 may not understand what that term means. 11:48:16
9 THE WITNESS: I second that objection. 11:48:20
10 BY MS. BUSEN: 11:48:21
11 Q You are welcome to review the Complaint 11:48:21
12 and find the definition of "true rent." 11:48:24
13 MS. MILLS: Which is contained in 11:48:27
14 paragraph 4 on page 2. 11:48:28
15 THE WITNESS: Thank you. 11:48:31
16 Okay. I've reviewed the definition. 11:48:47
17 BY MS. BUSEN: 11:48:52
18 Q To make the record clear, are you 11:48:53
19 representing yourself today as an attorney? 11:48:54
20 A I'm not an attorney. I'm retired. 11:48:56
21 Q Are you -- so you have no 11:48:58
22 representation today? 11:49:00

1 A Correct, although I appreciate 11:49:01
2 objections that are made. 11:49:06
3 MS. MILLS: And for the record, the 11:49:09
4 District of Columbia does not represent Gabriel 11:49:10
5 Fineman. 11:49:12
6 MS. BUSEN: Could you read the question 11:49:22
7 back, please? 11:49:23
8 (The Reporter read the record as 11:49:24
9 follows: "Question: Mr. Fineman, did 11:49:24
10 anyone at Equity tell you either in 11:49:24
11 person or in e-mail communications that 11:49:24
12 rent increases are lawfully computed 11:49:24
13 based on the higher true rent amounts 11:49:24
14 that do not include concessions?") 11:49:24
15 THE WITNESS: No one told me before I 11:49:53
16 signed the lease in 2013 that future increases 11:49:55
17 would be based on the amount -- the higher number 11:50:01
18 shown in the lease, the number before the 11:50:08
19 concession was granted. 11:50:13
20 BY MS. BUSEN: 11:50:18
21 Q Did anyone at Equity tell you in words 11:50:18
22 or e-mail communications that rent concessions 11:50:21

1 were permanent? 11:50:25

2 A No one told me that rent concessions 11:50:31
3 were permanent, but they certainly conveyed in 11:50:34
4 this initial meeting the idea that they would be 11:50:36
5 substantially the same in the future. 11:50:42

6 Q But you, in fact, signed a lease that 11:50:45
7 said the rent concessions weren't permanent, 11:50:47
8 correct? 11:50:50

9 A I understand what I signed. 11:50:50

10 Q Right. And it said that the rent 11:50:54
11 concessions were not permanent, correct? 11:50:56

12 A It said that the rent concessions 11:50:58
13 expired with the term of the lease, and then my 11:51:02
14 rent would go to that high number, which was way 11:51:04
15 above market, 50 percent above market. 11:51:09

16 Q Did anyone at Equity tell you in person 11:51:12
17 or written communications that rent concessions 11:51:18
18 are provided to consumers by the District of 11:51:21
19 Columbia in order to subsidize their rent 11:51:24
20 payments? 11:51:27

21 A Paid by the District of -- say that 11:51:32
22 again. I'm sorry. 11:51:36

1 Q Did the landlord or anyone at Equity 11:51:38
2 tell you either in person or in a written 11:51:39
3 communication that rent concessions are provided 11:51:42
4 to consumers by the District of Columbia in order 11:51:44
5 to subsidize their rent payments? 11:51:48

6 A No. 11:51:52

7 Q Did anyone at Equity fail to disclose 11:51:58
8 to you that the advertised rent is not the monthly 11:52:01
9 apartment rent that would be specified in your 11:52:04
10 lease? 11:52:07

11 A They never disclosed that to me. It 11:52:08
12 was the actual lease itself that disclosed that 11:52:09
13 to -- that disclosed to me that there was a higher 11:52:12
14 number that was used for certain purposes, 11:52:18
15 including to compute my actual rent. 11:52:21

16 Q And as we have discussed, you became 11:52:33
17 aware that the monthly apartment rent was 11:52:37
18 different than the advertised rent prior to you 11:52:40
19 signing the lease, right? 11:52:43

20 A Immediately prior to my signing the 11:52:45
21 lease, yes. 11:52:47

22 Q And you also became aware that there 11:52:51

1 was a monthly recurring concession applied to the 11:52:52
2 monthly apartment rent prior to signing your 11:52:55
3 lease, right? 11:52:57

4 A Yes, that there was a concession used 11:52:58
5 to compute my actual rent by subtracting that 11:53:01
6 amount from the ceiling rent. 11:53:04

7 Q Did anyone at Equity fail to disclose 11:53:13
8 to you that rent increases would not be determined 11:53:17
9 based on the monthly payment you paid during your 11:53:21
10 initial lease term? 11:53:23

11 A No one at Equity ever explained that to 11:53:27
12 me. 11:53:30

13 Q You -- you became aware before you -- 11:53:36
14 (Whereupon, there was an announcement 11:53:40
15 over the loudspeaker.) 11:53:45

16 BY MS. BUSEN: 11:53:47

17 Q But you became aware prior to signing 11:53:47
18 your renewal lease that the rent increase was not 11:53:51
19 based on the monthly payment, right? 11:53:54

20 A I -- I don't -- you're talking about in 11:54:05
21 2014 for the 2015 lease? 11:54:08

22 Q For your renewal lease. 11:54:12

1	A	My first renewal lease?	11:54:13
2	Q	Yes.	11:54:15
3	A	I don't recall if -- if I thought about	11:54:16
4		that.	11:54:18
5	Q	Okay. Prior to executing your second	11:54:19
6		renewal lease, you knew that --	11:54:22
7	A	I don't -- I don't even recall	11:54:24
8		executing my second renewal lease. It just	11:54:26
9		happened. I -- I -- I don't recall going down and	11:54:30
10		signing anything --	11:54:33
11	Q	Okay.	11:54:34
12	A	-- and, as I say, the DocuSignature	11:54:34
13		looks identical to the first one.	11:54:37
14	Q	Well, you received your -- for both	11:54:40
15		your renewal leases, you would have received the	11:54:41
16		RAD notice prior to entering into a renewal lease,	11:54:46
17		right?	11:54:49
18	A	I would have received the notice on a	11:54:50
19		RAD 9 form, yes.	11:54:54
20	Q	Okay. And that --	11:54:55
21	A	A RAD 8 form.	11:54:56
22	Q	And that --	11:54:56

Transcript of Gabriel Fineman
Conducted on August 2, 2018

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1	A	RAD 8.	11:54:56
2	Q	That notice that you received would	11:54:57
3		have shown you that the rent increase was not	11:54:58
4		based on your monthly payment, right?	11:55:01
5	A	That's correct, and that's what I	11:55:06
6		objected to.	11:55:08
7	Q	And you receive that notice before your	11:55:09
8		renewal lease periods begin, right? That's how it	11:55:13
9		works?	11:55:17
10	A	That's correct.	11:55:18
11		And I'm not supposed to educate you.	11:55:18
12		That's what I would tell people, "Don't educate	11:55:20
13		the person," but this is a serious point, is that	11:55:23
14		they give you this notice several months before	11:55:26
15		the thing is due, and then they -- before your --	11:55:31
16		your rent increase -- before the termination of	11:55:35
17		the rent, it's now required that it be at least	11:55:37
18		60 days longer than the period at which penalty	11:55:43
19		grants start to kick in for not giving notice of	11:55:50
20		leaving, and then they drag out this whole	11:55:53
21		business of making -- of neg- -- of negotiating	11:55:55
22		what your new rent will be and pull it into that	11:55:59

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1 penalty period. 11:56:03

2 Go ahead. 11:56:07

3 Q Mr. Fineman, did anyone at Equity fail 11:56:07

4 to disclose to you that the District rent control 11:56:10

5 law requires future rent increases to be based on 11:56:14

6 the monthly payment? 11:56:16

7 A They never disclosed that to me, I 11:56:19

8 mean, certainly not at -- at the time I signed the 11:56:23

9 lease. 11:56:26

10 Q When you signed what lease, your first 11:56:27

11 lease? 11:56:28

12 A Any lease. 11:56:29

13 Q Did anyone at Equity fail to disclose 11:56:42

14 to you that you most likely would not be offered 11:56:44

15 the same rent concess- -- concession amount if you 11:56:47

16 decided to enter into a new lease or transition to 11:56:50

17 a month-to-month tenancy? 11:56:53

18 A In 2013, they did not disclose that to 11:56:55

19 me. 11:56:58

20 Q What about 2014? 11:57:00

21 A I -- I don't recall. 11:57:04

22 Q 2015? 11:57:05

1 A 2015, we had this letter back and forth 11:57:07
2 where they introduced the concept of market rent. 11:57:12
3 MS. BUSEN: I would like to take a 11:57:29
4 five-minute break just to make sure that I'm done, 11:57:30
5 but if I'm not done, I am near done. 11:57:35
6 MS. MILLS: Okay. 11:57:38
7 THE VIDEOGRAPHER: Stand by. 11:57:39
8 We are going off the record. The time 11:57:40
9 is 11:57:40. 11:57:41
10 (A recess was taken.) 11:57:43
11 THE VIDEOGRAPHER: We are back on the 12:08:00
12 record. The time is 12:08. 12:08:01
13 BY MS. BUSEN: 12:08:03
14 Q Mr. Fineman, just some follow-up 12:08:05
15 questions. 12:08:07
16 At the beginning of the deposition, you 12:08:09
17 testified that you'd been General Counsel at -- at 12:08:11
18 a company for approximately 16 years, right? 12:08:15
19 A Correct. 12:08:17
20 Q Could you describe the nature of your 12:08:17
21 practice when you were a General Counsel? Like, 12:08:20
22 what were your duties? 12:08:24

1 A Well, I was the only lawyer there, so I 12:08:24
2 did all the legal work both for the U.S. offices 12:08:27
3 and also the Canadian, U.K., and Australian 12:08:32
4 offices. 12:08:37

5 Q So since you were the only lawyer 12:08:43
6 there, is it safe to say that you negotiated 12:08:45
7 contracts for the company? 12:08:48

8 A Yes, I did. 12:08:50

9 Q And did you review contracts for the 12:08:51
10 business people in the company? 12:08:53

11 A That's correct. 12:08:56

12 Q Are you familiar with the term "merger 12:09:00
13 clause" ? 12:09:02

14 A Correct. 12:09:03

15 Q And do you understand what a merger 12:09:03
16 clause is? 12:09:05

17 A Yes, I do. 12:09:06

18 Q Okay. Would you look at Exhibit 8, 12:09:08
19 please? It's your first lease. 12:09:12

20 A Okay. 12:09:16

21 Q And if you could flip -- it says Page 5 12:09:17
22 of 5. I think it's actually the seventh page, 12:09:19

1	though.	12:09:24
2	A Yes.	12:09:24
3	Q And then you see paragraph 35 that we	12:09:25
4	talked about briefly earlier?	12:09:30
5	A Yes.	12:09:34
6	Q Are you there?	12:09:35
7	A Yes.	12:09:36
8	Q Okay. Would you agree that	12:09:37
9	paragraph 35 of Exhibit 8 is a merger clause?	12:09:40
10	A Yes, I would.	12:09:47
11	Q Would you -- do you understand that	12:09:49
12	paragraph 35 of Defendants' Exhibit 8 is	12:09:50
13	enforceable?	12:09:55
14	A Well, there are various degrees in	12:09:58
15	different states. Often, the contract can be	12:10:00
16	amended by oral statements that are made	12:10:05
17	afterwards. I've certainly faced that in legal	12:10:08
18	suits that my company had.	12:10:18
19	Q Do -- is it your position that	12:10:22
20	paragraph 35 of Defendants' Exhibit 8 is	12:10:23
21	unconscionable?	12:10:26
22	A Well, I think the whole concept of	12:10:28

1 having an adhesion contract is unconscionable. 12:10:30

2 Q So you're saying you think the entire 12:10:34
3 agreement is unconscionable? 12:10:35

4 A Yes. 12:10:37

5 Q And reading paragraph 35 of Defendants' 12:10:37
6 Exhibit 8, do you understand that it's a mutual 12:10:42
7 agreement in that paragraph? 12:10:45

8 A I don't think this was a mutual 12:10:46
9 agreement, no, because it's an adhesion agreement. 12:10:48
10 Adhesion agreements are never mutual. 12:10:51

11 Q So if you look at paragraph 35, do you 12:11:16
12 understand that under the terms of this 2013 12:11:24
13 lease, which is Defendants' Exhibit 8, that there 12:11:27
14 is no legal basis to rely on any representations, 12:11:32
15 express or implied, that are not contained in this 12:11:36
16 lease? 12:11:40

17 A I would not say that, no. 12:11:40

18 Q And why would you not say that? 12:11:41

19 A Because I think that an agreement can 12:11:43
20 be modified after it has been made. 12:11:45

21 Q And is it your position that your 12:11:49
22 lease, Defendants' Exhibit 8, was modified? 12:11:52

1	A	It could have been.	12:11:56
2	Q	What does -- "could have been," what	12:11:57
3		does that mean?	12:11:58
4	A	That's a legal question. I can't -- I	12:12:00
5		can't determine that. Only a Court can determine	12:12:02
6		that.	12:12:06
7	Q	Do you think it was modified?	12:12:07
8	A	Yes, I do.	12:12:10
9	Q	When?	12:12:11
10	A	I think it was modified when the	12:12:12
11		leasing agent told me that -- that this was	12:12:14
12		required under -- that the -- the higher number	12:12:20
13		was required under D.C. law and that they were not	12:12:24
14		going to jack up my rent.	12:12:28
15	Q	So in your mind, this agreement has --	12:12:39
16		was amended to have a clause that says they agreed	12:12:41
17		not to jack up your rent?	12:12:44
18	A	I don't think there was ever an	12:12:46
19		agreement, because it's an adhesion contract. I	12:12:47
20		had no way to negotiate this agreement, and she	12:12:50
21		had no way to negotiate the agreement. So a term	12:12:52
22		like that, I think, is not enforceable.	12:12:57

1	Q	But her -- the rent --	12:13:00
2	A	I don't think there was a meeting of	12:13:02
3		the minds.	12:13:02
4	Q	The leasing represen- -- the leasing	12:13:03
5		agent's representation was made before you signed	12:13:06
6		this, right?	12:13:08
7	A	I don't recall.	12:13:09
8	Q	Didn't you previously testify that this	12:13:15
9		whole conversation occurred before you signed it?	12:13:17
10	A	Yes, but it continued after I signed	12:13:20
11		it.	12:13:22
12	Q	A few times today, you have mentioned a	12:13:25
13		friend of yours --	12:13:29
14	A	Yes.	12:13:31
15	Q	-- who has a daughter who lives in	12:13:31
16		New York.	12:13:33
17	A	Correct.	12:13:33
18	Q	What is the name of your friend?	12:13:34
19	A	Her name is Iris Sherman.	12:13:35
20	Q	And do you know the name of the	12:13:41
21		property at which her daughter resides?	12:13:43
22	A	No.	12:13:46

1 Q Have you done any independent research 12:13:46
2 on the rental policies at properties in New York? 12:13:58

3 A I've read articles about them. There 12:14:02
4 was an article, for example, in The New York Post. 12:14:04
5 I -- I've read some small sections of the statute 12:14:07
6 of where Republicans gutted it and allowed this 12:14:15
7 type of -- of lease in New York. 12:14:19

8 Q Do you have any video or audio 12:14:26
9 recordings of any conversations with Equity 12:14:29
10 personnel? 12:14:32

11 A No. 12:14:32

12 Q If -- if the lease -- as I understand 12:14:41
13 your testimony earlier about the adhesion 12:14:43
14 contract, if the lease was not enforceable, then 12:14:46
15 Equity had no legal right to collect rent from 12:14:49
16 you, right? 12:14:52

17 A Well, I -- I can't say that, because 12:14:53
18 there are all sorts of ways to make contracts, and 12:14:57
19 contracts can be made orally, contracts can be 12:15:01
20 made by just custom and practice. There are all 12:15:03
21 sorts of ways to make contracts, and I think that 12:15:09
22 if there was a meeting of the minds that I would 12:15:11

1 pay them a certain amount each month, and I gave 12:15:15
2 them authority to debit my account for that amount 12:15:17
3 each month. 12:15:20

4 But in terms of all this boilerplate, 12:15:23
5 no, there was no meeting of the minds. Even 12:15:25
6 though I read it, there was no meeting of the 12:15:27
7 minds. 12:15:30

8 Q So in your mind, only portions of this 12:15:31
9 lease were a meeting of the mind? 12:15:33

10 A Yes. 12:15:36

11 Q And if you take a look quickly at 12:15:45
12 Defendants' Exhibit 6, which is your 2015 lease. 12:15:48

13 A Yes. 12:15:51

14 Q All right. And you see in the middle, 12:15:51
15 right, the monthly apartment rent is listed at 12:15:54
16 \$3,161, right? 12:15:57

17 A That's what it says, yes. 12:16:00

18 Q Okay. So just to be clear, you're 12:16:02
19 complaining about the rent you actually paid as 12:16:06
20 being less, not more, than the monthly apartment 12:16:10
21 rent that's set forth in this lease? 12:16:13

22 A Because I consider that meaningless. 12:16:15

1 Q What does that mean? 12:16:19

2 A I considered it meaningless. It had no 12:16:20
3 applicability to me. 12:16:22

4 Q What are saying "it"? What is "it," 12:16:24
5 the lease? 12:16:26

6 A No. The -- this number of 31 -- 12:16:26
7 \$3,200. 12:16:30

8 Q Right. 12:16:31

9 A It had no applicability to me. I never 12:16:32
10 was going to pay that. No one ever expected me to 12:16:34
11 pay that. It was not -- paying that was not a 12:16:37
12 condition of my occupancy of the unit. 12:16:40

13 Q Right. 12:16:42

14 But it's your position that the rent 12:16:43
15 you paid, which is less than that, is a problem, 12:16:44
16 right? 12:16:48

17 A I don't understand what you're asking 12:16:50
18 me. 12:16:51

19 Q You have been complaining about your 12:16:52
20 rent, which is lower than this amount in this 12:16:53
21 lease? Whether or not the lease applies to you, I 12:16:57
22 understand your position, but -- 12:16:59

1	A	I was --	12:17:01
2	Q	-- looking at the number in the	12:17:02
3		document, what you paid is less, right?	12:17:04
4	A	I -- I was complaining in my Tenant	12:17:06
5		Petition about the failure to give me notice, as	12:17:08
6		required by the law, before they increase my rent.	12:17:13
7	Q	I understand.	12:17:16
8		And the amount you're paying is less	12:17:17
9		than the amount that's listed here, correct?	12:17:18
10	A	The amount that I actually paid was	12:17:20
11		less than this ceiling rent that is shown as --	12:17:23
12		as -- as Total Monthly Rent.	12:17:29
13	Q	Well, I'm talking about Monthly	12:17:34
14		Apartment Rent, because the total includes your	12:17:36
15		parking.	12:17:38
16	A	Okay. It is -- the amount that I	12:17:39
17		actually paid, my actual rent, was less than the	12:17:42
18		Monthly Apartment Rent, that's correct.	12:17:45
19		MS. BUSEN: I have no further	12:17:52
20		questions. Thank you for your time.	12:17:53
21		THE WITNESS: Thank you.	12:17:57
22		On a -- on a different topic, do you	12:18:01

1	have a minute to talk about my case?	12:18:02
2	THE VIDEOGRAPHER: I'm sorry.	12:18:06
3	MS. MILLS: We're still on the record,	12:18:08
4	Mr. Fineman.	12:18:09
5	THE WITNESS: Oh, I'm sorry.	12:18:11
6	MR. TAN: We have -- we have some	12:18:13
7	questions for you.	12:18:13
8	MS. MILLS: Yes.	12:18:15
9	THE WITNESS: Oh, I'm sorry.	12:18:15
10	MS. MILLS: I beg your pardon. No	12:18:15
11	problem.	12:18:15
12	THE WITNESS: I thought we were done.	12:18:15
13	MS. MILLS: Yeah, what I would like to	12:18:15
14	do is just to ask a few follow-up questions to	12:18:16
15	clarify some of the testimony that you have	12:18:18
16	provided so far.	12:18:21
17	THE WITNESS: Certainly.	12:18:23
18	EXAMINATION BY COUNSEL FOR PLAINTIFF	12:18:23
19	BY MS. MILLS:	12:18:24
20	Q At various times in your testimony, you	12:18:25
21	have spoken about conversations that you had at	12:18:28
22	the time you first entered into a lease --	12:18:31

1	A	Correct.	12:18:36
2	Q	-- for the 3003 Van Ness apartment.	12:18:36
3		Do you have any recollection as to the	12:18:39
4		person with whom you initially spoke?	12:18:42
5	A	It was a leasing agent. It was a	12:18:47
6		woman.	12:18:49
7	Q	Can you describe what she looked like?	12:18:50
8	A	Not really. She's -- I have a	12:18:52
9		recollection that she was kind of overweight and a	12:18:55
10		light -- a pale-skinned black person.	12:19:04
11	Q	Uh-huh.	12:19:07
12	A	But other than that, I can't really	12:19:07
13		remember.	12:19:09
14	Q	Okay. And was this the person that --	12:19:10
15		I know you don't remember.	12:19:16
16		It's -- it's a woman, correct?	12:19:17
17	A	Yes.	12:19:18
18	Q	You don't remember her name precisely,	12:19:19
19		but it was this person who told you that the	12:19:21
20		higher amount that you saw in your initial lease	12:19:26
21		was -- and I think you testified it was required	12:19:30
22		by rent control?	12:19:35

1	A	That's correct.	12:19:37
2	Q	I think you also said it was required	12:19:38
3		by D.C. law.	12:19:41
4		Were you -- do you remember her words?	12:19:43
5	A	She said -- she said it was required by	12:19:46
6		rent control.	12:19:48
7	Q	Okay, by rent control.	12:19:49
8		And what did you understand that to	12:19:50
9		mean?	12:19:52
10	A	Well, they had just given me	12:19:53
11		disclosures that I hadn't really reviewed very	12:19:54
12		much about rent control, so I realized that this	12:19:57
13		building was under rent control, whatever that	12:20:01
14		really meant, and she told me that this higher	12:20:04
15		number was required by the law.	12:20:08
16	Q	By -- by the District of Columbia's	12:20:12
17		rent control laws?	12:20:14
18	A	Yes.	12:20:16
19	Q	That was your understanding?	12:20:16
20	A	That was my understanding.	12:20:17
21	Q	Okay. Do you think this person that	12:20:18
22		you spoke with was Julie Jackson?	12:20:19

1	A	The name is very familiar, yes.	12:20:23
2	Q	Uh-huh.	12:20:25
3		Was she a leasing agent at the	12:20:26
4		3003 Van Ness apartments?	12:20:27
5	A	I believe so, yes.	12:20:30
6	Q	Okay. So it was possibly her, but	12:20:31
7		you're not sure?	12:20:33
8	A	Correct.	12:20:34
9	Q	All right. So going back, then, to	12:20:35
10		this person's statement that the higher amount was	12:20:43
11		required by rent control --	12:20:46
12	A	Yes.	12:20:49
13	Q	-- you -- you understood, then, that	12:20:49
14		the building was rent-controlled; is that right?	12:20:51
15	A	Well, yes, but I didn't appreciate what	12:20:54
16		that meant.	12:20:57
17	Q	Did you ask any further questions about	12:20:59
18		what that meant?	12:21:03
19	A	No. She -- she threw this out like, of	12:21:05
20		course. You know, she didn't say "of course,"	12:21:08
21		but, of course, everybody knows this, that we	12:21:10
22		can't -- you know, that we can't raise -- just	12:21:15

1 jack up your rent, because it's under rent 12:21:17
2 control. 12:21:20
3 Q All right. But the higher amount was 12:21:21
4 required by rent control? 12:21:22
5 A That's what she said, yes. 12:21:23
6 Q Then she also said -- I'm just trying 12:21:25
7 to -- 12:21:28
8 A Well -- 12:21:29
9 Q -- understand what she said. 12:21:29
10 A Okay. Well, she said -- when I raised 12:21:31
11 the number [sic] of why there's this higher number 12:21:34
12 in the lease, she said it was required by rent 12:21:36
13 control, as though everyone knew that. 12:21:39
14 Q Uh-huh. 12:21:42
15 A And then later, I told her that my 12:21:43
16 experience with Equity was that they jack up the 12:21:48
17 rents, that they induce you to come in at a -- at 12:21:52
18 a lower rent and then jack up the rents on you, 12:21:55
19 and if they did that, I would be -- I'll move. 12:21:58
20 I'm not going to pay really inflated rents. 12:22:04
21 Q And what did she say in response? 12:22:08
22 A Oh, we never do that. We give -- we 12:22:10

1 give the same sort of -- sort of -- she didn't say 12:22:13
2 exactly the same -- the same sort of concession 12:22:15
3 next year. 12:22:20

4 Q At various points in your testimony, 12:22:24
5 you have used the term "rent ceiling" or "ceiling 12:22:26
6 rent." 12:22:31

7 A Yes. 12:22:31

8 Q What do you mean by that? 12:22:32

9 A Well, until 2006, the District of 12:22:34
10 Columbia had a completely different scheme for 12:22:37
11 rent control -- 12:22:41

12 Q Uh-huh. 12:22:42

13 A -- and their scheme was that for each 12:22:42
14 apartment in -- under rent control in a 12:22:46
15 rent-controlled building, a number was assigned as 12:22:51
16 to what the maximum possible rent could be, and 12:22:53
17 that was the ceiling rent, and the landlord could 12:22:58
18 charge anything it wanted less than the ceiling 12:23:01
19 rent. 12:23:05

20 And that number for most of the large 12:23:09
21 buildings, it turns out, was com- -- kept and 12:23:13
22 computed for them by a company called Rent Control 12:23:18

1 Consultants that kept track of all this and gave 12:23:21
2 them a number. It's my understanding they're 12:23:26
3 still doing this for Equity, and that's where 12:23:28
4 Equity gets this upper-bound -- this upper number, 12:23:31
5 this high number. 12:23:35

6 You know, in 2006, of course, rent 12:23:37
7 control -- I'm sorry, rent -- rent control was 12:23:40
8 changed to abolish ceiling rents. In the past, 12:23:42
9 they had adjusted ceiling rents, but that never 12:23:50
10 really worked, so in 2006 they abolished -- 12:23:53

11 (The reporter clarified the record.) 12:23:58

12 THE WITNESS: -- ceiling rents or rent 12:23:59
13 ceilings, the num- -- the number. 12:24:02

14 BY MS. MILLS: 12:24:07

15 Q When you used the term "ceiling rents" 12:24:08
16 in your testimony, you were referring to the -- 12:24:10
17 the higher amount that Equity had put into the 12:24:13
18 lease? 12:24:20

19 A I was referring to the amount that used 12:24:21
20 to be the maximum for rent that could be 12:24:26
21 charged -- 12:24:32

22 (The reporter clarified the record.) 12:24:35

1 THE WITNESS: -- on a unit, and Equity 12:24:35
2 has said in my case that, and -- and -- and the 12:24:40
3 OAH has said in my case, that these regulations 12:24:46
4 that were never changed continue to live on, and, 12:24:51
5 thus, rent ceilings continue to live on. 12:24:54

6 And it appears that Equity has been 12:24:57
7 adhering to the rent ceiling regimen of increasing 12:25:00
8 rents by, you know, cost of living plus 2 and 12:25:06
9 by -- which is still required by the law, and 12:25:14
10 increasing the rent ceiling on their books or in 12:25:17
11 their rental housing -- Rental Consultants' books 12:25:20
12 with vacancy adjustments and other types of 12:25:25
13 adjustments that used to be allowed. 12:25:28

14 BY MS. MILLS: 12:25:31

15 Q So when you use the term "rent 12:25:31
16 ceilings," you're using the term "rent ceilings" 12:25:33
17 as Equity itself has used the term "rent 12:25:35
18 ceilings." 12:25:39

19 Is that correct? 12:25:40

20 MS. BUSEN: Object to form. 12:25:43

21 You can answer. 12:25:43

22 THE WITNESS: No. It appears to me 12:25:44

1 that -- and I really believe that Equity is using 12:25:46
2 that rent ceiling number that's still computed by 12:25:50
3 Rent Consultants as their upper number in their 12:25:54
4 leases. 12:25:59

5 So, in other words, they -- they could 12:26:01
6 have put in a number of \$5,000, but they picked 12:26:03
7 this number of \$3,114 or whatever, and that's 12:26:08
8 because Rent Consultants is continuing to act as 12:26:13
9 though rent ceilings still existed and keep track 12:26:18
10 and compute those numbers. 12:26:22

11 BY MS. MILLS: 12:26:24

12 Q Why don't you take a look at Exhibit 11 12:26:26
13 for a moment. 12:26:29

14 A Yes. 12:26:30

15 Q This was the District of Columbia's 12:26:31
16 First Amended Complaint. 12:26:33

17 A Yes. 12:26:35

18 Q And if you look at paragraph 4 -- 12:26:35

19 A Yes. 12:26:40

20 Q -- of the -- the Complaint, this is the 12:26:41
21 paragraph, I think you reviewed this earlier, that 12:26:44
22 defines this term "true rent" as it's used in the 12:26:47

1	Complaint.	12:26:52
2	Do you see that?	12:26:52
3	A Yes.	12:26:53
4	Q Do you understand this term "rent	12:26:58
5	ceiling," as you have used it in your testimony,	12:27:00
6	to have the same meaning as "true rent" for	12:27:02
7	purposes of this Complaint?	12:27:06
8	A Well, it has the same value, yes.	12:27:07
9	Q All right.	12:27:09
10	A I think that's a poor choice of words.	12:27:13
11	Q Which is -- which is a poor --	12:27:15
12	MR. TAN: Value?	12:27:17
13	THE WITNESS: No. True -- true rent.	12:27:18
14	I mean, the Rental Housing Commission called it	12:27:21
15	phony rent.	12:27:23
16	MS. MILLS: I don't have any further	12:27:46
17	questions at this time.	12:27:47
18	MS. BUSEN: We're good.	12:27:52
19	THE VIDEOGRAPHER: Stand by.	12:27:54
20	This marks the end of the deposition of	12:27:55
21	Gabriel Fineman. We are going off the record at	12:27:58
22	12:28.	12:28:00

1 (Off the video record.)

2 (Discussion off the record.)

3 THE REPORTER: You ordered a five-day
4 expedite?

5 MS. BUSEN: I mean, my paralegal
6 probably just ordered whatever our standard is.

7 THE REPORTER: Do you need a copy of
8 the transcript?

9 MS. MILLS: Yes, definitely. Yes.
10 Uh-huh. And if we can have it sent to us
11 electronically, that would be the best. Thank
12 you. There's no reason for you to send us hard
13 copy.

14 THE REPORTER: We don't do that.

15 MS. MILLS: Okay. Very good.

16 THE REPORTER: What kind of delivery do
17 you need?

18 MS. MILLS: Oh, you mean the time
19 frame?

20 THE REPORTER: Yes.

21 MS. MILLS: Whatever they have ordered.
22 We will not pay extra for anything more expedited

1 than what they have requested.

2 (Discussion off the record.)

3 MS. MILLS: I'm assuming he will have
4 an opportunity to review the transcript to
5 determine whether or not he thinks there are any
6 mistakes; is that right?

7 MS. BUSEN: Yes.

8 MS. MILLS: That's standard procedure.

9 (Off the record at 12:29 p.m.)

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ACKNOWLEDGMENT OF DEPONENT

I, GABRIEL FINEMAN, do hereby acknowledge
that I have read and examined the foregoing
testimony, and the same is a true, correct
and complete transcription of the testimony
given by me and any corrections appear on the
attached Errata sheet signed by me.

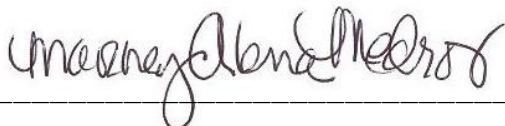
(DATE) (SIGNATURE)

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Marney Alena Mederos, the officer
3 before whom the foregoing deposition was taken, do
4 hereby certify that the foregoing transcript is a
5 true and correct record of the testimony given;
6 that said testimony was taken by me
7 stenographically and thereafter reduced to
8 typewriting under my direction; that reading and
9 signing was requested; and that I am neither
10 counsel for, related to, nor employed by any of
11 the parties to this case and have no interest,
12 financial or otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set
14 my hand and affixed my notarial seal this 3rd day
15 of August 2018.

16 My commission expires January 14, 2023.

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21 NOTARY PUBLIC IN AND FOR
22 THE DISTRICT OF COLUMBIA

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